



PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

CALL TO ORDER: COMMISSIONERS' BRIEFING, 5:38 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ATTENDANCE:

PRESENT: CHAIRMAN RICHARD TRUESDELL, VICE CHAIRMAN TODD NIGRO (arrived at 5:42 P.M.), MEMBERS STEVEN EVANS, BYRON GOYNES, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

STAFF PRESENT: ROBERT GENZER, PLANNING & DEVELOPMENT DEPARTMENT, MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., DAVID CLAPSADDLE – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., DON SCHMEISER, PLANNING & DEVELOPMENT DEPT., GINA VENGLASS – PUBLIC WORKS, RICK SCHRODER – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

MINUTES:

GARY LEOBOLD, Planning and Development Department, referenced the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

Item 4 [TMP-5356]	Abeyance to 12/02/2004 Planning Commission Meeting
Item 8 [VAC-5265]	Withdrawn Without Prejudice
Item 12 [GPA-5266]	Abeyance to 1/27/2005 Planning Commission Meeting
Item 17 [GPA-5195]	TABLED
Item 28 [SDR-5179]	Abeyance to 12/02/2004 Planning Commission Meeting

Regarding Item 1 [TMP-5188], staff would like to read a revised header into the record. The item is on the Consent agenda and will not have to be re-noticed. The number of units for this project has fluctuated and the correct number needs to be read into the record.

Regarding Item 2 [TMP-5290], Condition 2 should be changed to reflect the most recently received Site Plan, which is dated 11/17/2004.

Regarding Item 10 [RQR-5372], both the applicant and City staff have asked that this item be removed from One Motion One Vote because staff is recommending denial and the applicant is concerned over one of the conditions.

Regarding Item 14 [ZON-5174], Public Works has condition changes to submit for the record.

Regarding Item 18 [ZON-4623], Public Works has condition changes to submit for the record.

Regarding Item 19 [VAR-5377], Condition 3 is listed as a Public Works condition, which is incorrect. The words "Public Works" need to be removed from the Conditions.

Regarding Item 38 [SDR-5382], the request is that the disposition be Final Action.

Regarding Item 45 [SUP-5378], Public Works has condition changes to submit for the record.

Regarding Item 48 [SUP-5466] and Item 52 [VAR-5479], both items have requests on file to fast track them to the 12/01/2004 City Council Meeting.

Regarding Item 53 [TXT-5037], staff requested this item be heard after the One Motion One Vote items because DAVID CLAPSADDLE, Planning & Development Department, was prepared to make a presentation on this billboard related item.

DEPUTY CITY ATTORNEY BRYAN SCOTT informed the Commission that he handed out a copy of the Nevada Revised Statute (NRS) 278.050, which pertains to the number of abeyances any one item could have at a Commission meeting. During past meetings, there has been some confusion regarding this issue. He read from the submittal and summarized by saying items could be held more than twice, as long as the Commission believed there was good cause for the item to be held. This only pertained to items heard before the Planning Commission.

MEETING ADJOURNED AT 5:43 P.M.

PLANNING COMMISSION AGENDA

PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2. THE PLANNING COMMISSION MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE CITY'S INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB SATURDAY AT 10:00 AM, THE FOLLOWING MONDAY AT MIDNIGHT AND TUESDAY AT 5:00 PM.

PLEDGE OF ALLEGIANCE was led by CHAIRMAN TRUESDELL

CALL TO ORDER: 6:00 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: CHAIRMAN RICHARD TRUESDELL, VICE CHAIRMAN TODD NIGRO, MEMBERS STEVEN EVANS, BYRON GOYNES, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

STAFF PRESENT: ROBERT GENZER, PLANNING & DEVELOPMENT DEPARTMENT, MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., DAVID CLAPSADDLE – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., DON SCHMEISER, PLANNING & DEVELOPMENT DEPT., GINA VENGLASS – PUBLIC WORKS, RICK SCHRODER – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

GARY LEOBOLD, Planning and Development Department, reiterated the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

Item 4 [TMP-5356]	Abeyance to 12/02/2004 Planning Commission Meeting
Item 8 [VAC-5265]	Withdrawn Without Prejudice
Item 12 [GPA-5266]	Abeyance to 1/27/2005 Planning Commission Meeting
Item 17 [GPA-5195]	TABLED
Item 27 [SUP-4930]	Abeyance to 12/16/2004 Planning Commission Meeting
Item 28 [SDR-5179]	Abeyance to 12/02/2004 Planning Commission Meeting

In addition, MR. LEOBOLD reiterated the following information:

Regarding Item 1 [TMP-5188], staff would like to read a revised header into the record. The item is on the Consent agenda and will not have to be re-noticed. The number of units for this project has fluctuated and the corrected number needs to be read into the record.

Regarding Item 2 [TMP-5290], Condition 2 should be changed to reflect the most recently received Site Plan, which is dated 11/17/2004.

Regarding Item 10 [RQR-5372], both the applicant and City staff have asked that this item be removed from One Motion One Vote because staff is recommending denial and the applicant is concerned over one of the conditions.

Regarding Item 14 [ZON-5174], Public Works has condition changes to submit for the record.

Regarding Item 18 [ZON-4623], Public Works has condition changes to submit for the record.

Regarding Item 19 [VAR-5377], Condition 3 is listed as a Public Works condition, which is incorrect. The words "Public Works" need to be removed from the Conditions.

Regarding Item 38 [SDR-5382], the request is that the disposition be Final Action.

Regarding Item 45 [SUP-5378], Public Works has condition changes to submit for the record.

Regarding Item 48 [SUP-5466] and Item 52 [VAR-5479], both items have requests on file to fast track them to the 12/01/2004 City Council Meeting.

Regarding Item 53 [TXT-5037], staff requested this item be heard after the One Motion One Vote items because DAVID CLAPSADDLE, Planning & Development Department, is prepared to make a presentation on this billboard related item.

CHAIRMAN TRUESDELL opened the Public Hearing for comments relating to the requests to abey, withdraw or table the items read by MR. LEOBOLD.

LINDA WEST MYERS, 5104 Cold River Avenue, requested that Item 17 [GPA-5195] not be tabled. She wanted the item discussed as it is on the agenda and several people were present to speak on the item.

ED GOBLE, 3017 Quiet Breeze Court, spoke regarding Item 17 [GPA-5195]. He requested the item not be tabled. He wanted the item to be heard and put to rest during the meeting. The application is a clear violation of every land use plan in the past. It is also a violation of taxpayer rights to keep postponing coming to the meetings. The applicant has missed four neighborhood association meetings and has wasted the time of neighbors, Commission and the public. He strongly opposed the item and urged the Commission to hear the item and vote against it.

BILL CURRAN, Attorney, Curran and Perry, 300 South 4th Street, appeared on behalf of the applicant relating to Item 27 [SUP-4930] and requested that the item be held in abeyance for 30 days so the item could be re-noticed. MR. LEOBOLD pointed out the re-notification pertained to a suite number being changed. ATTORNEY CURRAN concurred.

LIZ THOMPSON, 3909 Leon Avenue, stated she wanted to submit a 98-signature petition that was previously turned into the Planning Commission. CHAIRMAN TRUESDELL confirmed that the petition was in opposition to the application, not directly relating to the decision of whether or not to abey the item. DEPUTY CITY ATTORNEY BRYAN SCOTT stated that it would be better to allow MS. THOMPSON to keep the petition until a determination was made regarding hearing the item.

COMMISSIONER EVANS asked for clarification regarding tabling the item as opposed to abeying the item. CHAIRMAN TRUESDELL stated that a request to table an item does not have an associated timeframe. The applicant would have to make a request to the Planning Staff to have the item placed back on the agenda. There would also be a re-notification process. He confirmed with COMMISSIONER EVANS that it does differ from a withdrawal.

JEAN HOWERTON, 5140 Cutty Way, President of the Northwest Area Residents Association, said that one-year prior, the association spent a lot of time with the Planning Commission deciding how the empty land in the neighborhood would be zoned. She remembered that COMMISSIONER GOYNES did attend several of the meetings. CHAIRMAN TRUESDELL explained that testimony should be specific to whether or not the item should be tabled. MS. HOWERTON said she did not feel the item should have made it to the agenda in the first place.

LEX ANDERSON, 3709 Waterhole Street, appeared and said he was on the executive board and historian for the Northwest Area Residents Association. He said that he stopped by the business park next door to the proposed project and found out they were not aware of the project slated for that property. Also, the property salesmen for the Gowan/Rancho Business Park had concerns about the project as well. PAUL CALLISTER, owner/broker of Gowan/Rancho Business Park, told MR. ANDERSON that he has some strong reservations about how the proposed project would affect sales. CHAIRMAN TRUESDELL confirmed with MR. ANDERSON that he did not want the item tabled.

CHAIRMAN TRUESDELL asked for the applicant's representative for Item 17 [GPA-5195] to come forward. There was no one present. MR. LEOBOLD stated that the applicant was advised to have a representative present at the meeting because the letter requesting the item be tabled was only a request. The Chairman said he would have liked to have seen a representative because there were so many speakers present to oppose the project. He asked DEPUTY CITY ATTORNEY SCOTT what the repercussions would be if the item were Withdrawn With Prejudice instead of being Tabled. DEPUTY CITY ATTORNEY SCOTT stated the application would not be able to come back for one year if it were Withdrawn With Prejudice.

PHYLLIS MCGUIRE, 3909 Leon Avenue, stated she did not want the item to be tabled.

CHAIRMAN TRUESDELL asked if the remaining speakers that were lined up were prepared to speak against the item. With a show of hands, he asked everyone to indicate who was against tabling the project. Three people raised their hands.

VICE CHAIRMAN NIGRO confirmed with MR. LEOBOLD that the Commission has granted two requests to abey Item 17 [GPA-5195]. MR. LEOBOLD added that the item would have to be re-noticed at the applicant's expense and that the applicant would have to pay a re-notification fee as well.

CHAIRMAN TRUESDELL asked if the letter requesting the item be tabled referenced any reason for the request. VICE CHAIRMAN NIGRO stated the request letter says the applicant would like more time to meet with the neighbors to discuss design issues. COMMISSIONER GOYNES asked if that reasoning was appropriate under NRS 278.505. DEPUTY CITY ATTORNEY SCOTT was concerned about a due process issue since the applicant was not present. He questioned staff about attempting to contact the representative and then hearing the item until the applicant is reached. Otherwise, the Commission could choose to hold the item or strike it etc. VICE CHAIRMAN NIGRO asked if the item could be stricken. DEPUTY CITY ATTORNEY SCOTT stated the item could be stricken, which would require that the applicant come back and begin the application process over. It would have a similar effect to tabling the item.

COMMISSIONER McSWAIN confirmed that whether the item were tabled or stricken, the applicant would still have to re-apply. The main difference would be payment of a new application fee. She was concerned about the inconvenience the neighbors are experiencing. She was also concerned about taking action without an applicant present.

CHAIRMAN TRUESDELL indicated that if the item were stricken or tabled, the board would be doing exactly what the neighbors are concerned about. The neighbors keep coming to speak against the item and the applicant is requesting another abeyance. The applicant would be aware of this level of opposition and he was concerned that by default, the applicant would get what they were requesting. DEPUTY CITY ATTORNEY SCOTT agreed and added that the applicant could re-apply the next day if the item were stricken. None of the available options would relieve the neighbors from having to come back to speak against the item eventually.

COMMISSIONER GOYNES asked if striking the item would require the applicant to hold another neighborhood meeting. DEPUTY CITY ATTORNEY SCOTT stated that if it was required the first time, they would have to do it again because it would be an entirely new application. The Commissioner thought that would be a good idea because the applicant and neighbors could have the discussion that would have occurred before the Planning Commission. DEPUTY CITY ATTORNEY SCOTT reminded him that the reason given for the request to table is to meet with the neighbors. Making the applicant reapply to hold a neighborhood meeting would result in the same outcome. DEPUTY CITY ATTORNEY SCOTT said that the item can be heard but he would suggest the applicant be present.

CHAIRMAN TRUESDELL stated if it was tabled, the Commission could require the applicant meet with the neighbors so the same outcome would be accomplished. He stated the main concern of hearing the item on its merits would be that the applicant would not be present.

MS. HOWERTON stated the neighborhood association met with the applicant on October 4, 2004. The item was scheduled to go to Planning Commission meeting; however, the applicant requested an abeyance. The applicant then requested to meet with the residents at the last neighborhood meeting, which was in November. They did not come to that meeting. The applicant has since committed to attending a December meeting. CHAIRMAN TRUESDELL asked if the applicant was attending NARA meetings or if they had hosted the meeting. MS. HOWERTON indicated the meetings attended were NARA meetings. He pointed out that the applicant is required to hold a public meeting as part of the application process. MS. HOWERTON and MR. GOBLE told him that the meetings were NARA and not hosted by the applicant. She added that the applicant did ask her to meet with them privately and she turned that request down. MR. LEOBOLD stated that there was a public meeting held on September 16th and two neighbors attended. They were concerned with the increase in density and the impact the project could have on traffic. They also felt the proposed use might encourage children to trespass on the property and would increase crime.

VICE CHAIRMAN NIGRO feared that allowing the applicant to have the item tabled would set a precedent that the way to actually get an item held is for the applicant to not show up. He understood it was the prerogative of the Commission to hear the item whether the applicant was present or not. He may have agreed to table the item if the applicant had shown up and explained the request. It was difficult for him to approve the request when all of the neighbors were present to speak against the item and there was no representative to tell the applicant's side of the story. VICE CHAIRMAN NIGRO was prepared to hear the item.

CHAIRMAN TRUESDELL agreed that the Board did not want to reward applicants for stringing out the process. He asked staff if there was some way to contact the applicant. MR. LEOBOLD replied that several numbers were tried but there was no answer. CHAIRMAN TRUESDELL then stated that perhaps the applicant or a representative would be watching television and they could trail the item to its normal place in the agenda.

COMMISSIONER EVANS stated he would prefer the item be stricken. He was disappointed that the applicants were not present to explain themselves and he did not want to reward that kind of behavior. From a legal perspective, he felt the cleanest course of action would be striking the item. DEPUTY CITY ATTORNEY SCOTT suggested voting on Item 17 [GPA-5195] separately and then vote on the remaining items. CHAIRMAN TRUESDELL stated this situation of not having a representative present is a problem but he would support a motion to strike the item.

COMMISSIONER EVANS motioned to strike Item 17 [GPA-5195].

The motion passed and CHAIRMAN TRUESDELL told the neighbors that he appreciated their resolve in coming down to speak on the item.

VICE CHAIRMAN NIGRO motioned to bring forward the abeyance, withdrawn and tabled items, which were Item 4 [TMP-5356], Item 8 [VAC-5265] , Item 27 [SUP-4930] and Item 28 [SDR-5179] as read into the record

COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertained to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area. It is not located within the notification area nor would it be affected, so he would vote on Item 28 [SDR-5179].

Regarding Item 12 [GPA-5266], MARGO WHEELER, Deputy Director, Planning and Development Department, explained that the City of Las Vegas is the applicant for this item. The item proposed bringing several properties into the Redevelopment Plan area. There have been several meetings, and significant controversy remains in some of the areas involved. The request to abey the item until the January 27, 2005 meeting would allow staff the needed time to meet with the area residents and businesspersons. The holidays have been taken into account when calculating the time needed to do so. There is one area that shows the existing downtown redevelopment project area and that area is the old west side of town. It is primarily single-family homes and the City is making the commitment to remove this section. She explained the area is currently shown as Map 5. The remainder of the areas would continue with discussions for the next two-month period until the item comes back before the Commission.

TAMMY GREEN, 1102 North I Street, stated she was present concerning Item 12 [GPA-5266] and she did not want the item held in abeyance because this would be the third abeyance. She stated that COUNCILMAN WEEKLY asked for the first two abeyances and did not meet or speak with any of his constituents to find out if they wanted the item abeyed. MS. GREEN stated she is the elected spokesperson for Maps 3 and 5 and since the first meeting, they have not wanted to be included in this plan. If Map 5 was being withdrawn, MS. GREEN asked that Map 3 be withdrawn as well. The residents did not think this item should be abeyed.

CHAIRMAN TRUESDELL explained to MS. GREEN that the application covers a large area. There are several individuals who have questions pertaining to areas of the map outside of the area MS. GREEN is concerned with. He indicated the action being discussed was whether or not to abey the item and the Commission was not in a position to withdraw Map 3. He confirmed with MS. WHEELER that Map 5 is being withdrawn. MS. GREEN was adamant that Map 3 be withdrawn with Map 5. CHAIRMAN TRUESDELL reiterated that withdrawing Map 3 was not an option.

COMMISSIONER EVANS verified with MS. WHEELER that staff does intend to move forward with this item in January and would not be requesting another abeyance at that time.

DANIEL DEEGAN, 1801 Granite Avenue, appeared in favor of the abeyance request for Item 12 [GPA-5266]. He said that the neighborhood this project is proposed for is not part of the downtown area. Unlike the downtown area, the neighborhood does not have a Master Plan. There is a General Plan for the area. The neighbors are concerned with the additional powers the Office of Business Development would have if the item were approved. The neighbors felt left out of the planning aspect for the area. He explained that the neighbors might be supportive of some of the proposed projects if the Office of Business Development staff would be more forthcoming with information and more cooperative. COMMISSIONER EVANS confirmed MR. DEEGAN was in support of the abeyance.

COMMISSIONER EVANS motioned to HOLD IN ABEYANCE Item 12 [GPA-5266] to the 1/27/2005 Planning Commission Meeting.

(6:05 – 6:40)



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

SUBJECT:

Approval of the minutes of the October 21, 2004, Planning Commission Meeting

MOTION:

NIGRO – Motion to HOLD IN ABEYANCE to the 12/02/2004 Planning Commission Meeting- UNANIMOUS

MINUTES:

There was no discussion.

(6:04-6:04)

1-45

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

CHAIRMAN TRUESDELL announced the subdivision items could be appealed by the applicant or aggrieved person or a review requested by a member of the City Council.

ACTIONS:

ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

CHAIRMAN TRUESDELL read the statement on the order of the items and the time limitations on persons wishing to be heard on an item.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDA ITEM.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

CHAIRMAN TRUEDELL noted the Rules of Conduct.

PLANNING COMMISSION MEETING RULES OF CONDUCT.

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.
2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.
3. If areas of concern are known in advance, or if the applicant does not accept staff's conditions, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.
4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.
5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.
6. After all objectors' input has been received, the applicant will be invited to respond to any new issues raised.
7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.
8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would also ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

ABEYANCE - TMP-5188 - TENTATIVE MAP - TAMARINDO PROFESSIONAL PARC (A COMMERCIAL SUBDIVISION) - APPLICANT: CW GROUP - OWNER: FORT APACHE/CHEYENNE HOLDINGS, LLC - Request for a Tentative Map FOR AN EIGHT LOT COMMERCIAL CONDOMINIUM SUBDIVISION on 2.0 acres on the west side of Fort Apache Road, approximately 380 feet north of Cheyenne Avenue (APN 138-07-801-010), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O (Office), Ward 4 (Brown).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5188], Item 2 [TMP-5290], Item 3 [TMP-5334], Item 5 [TMP-5394], Item 6 [TMP-5400] and Item 7 [ANX-5329] – **UNANIMOUS** – with McSWAIN abstaining on Item 2 [TMP-5290] because her company is currently under contract with KB Homes and on Item 5 [TMP-5394] because her company is under contract with Richmond American Homes

This is Final Action

Note: COMMISSIONER McSWAIN disclosed that the applicant listed on Item 3 [TMP-5334] is Larry S. Davis and Associates and her company did some work for a Davis and Associates in the past. She was not sure if the companies were the same; however, the work was completed and she would be voting on that item.

MINUTES:

CHAIRMAN TRUESDELL stated this is a consent item.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 1 – TMP-5188

MINUTES – Continued:

GARY LEOBOLD, Planning and Development Department, read the revised header into the record for Item 1 [TMP-5188]. The header reads “EIGHT LOT COMMERCIAL CONDOMINIUM SUBDIVISION” and it should read “ONE LOT COMMERCIAL SUBDIVISION”. There was some confusion with the applicant but staff has clarified the application process for the developer. The corrected header reflects the original request for one lot as originally constructed by staff.

(6:40 6:44)

1-1240

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for the following applications: Site Development Plan Review (SDR-4827) and Rezoning (ZON-2576), particularly those listed as “Special Conditions” in this report.
3. All development is subject to the conditions of City departments and state subdivision statutes.

Public Works

4. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
5. Site development to comply with all applicable conditions of approval for ZON-2576, SDR-4827 and all other applicable site-related actions.
6. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 1 – TMP-5188

CONDITIONS – Continued:

approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

ABEYANCE - TMP-5290 - TENTATIVE MAP - CLIFF'S EDGE POD 201 & 203 - APPLICANT: KB HOME - OWNER: CLIFF'S EDGE, LLC, ET AL - Request for a Tentative Map FOR A 290-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 41.10 acres adjacent to the southeast corner of Grand Teton Drive and Puli Road (APN 126-13-101-001 through 004; 126-13-101-009 through 011 and a portion of 126-13-201-019), PD (Planned Development) Zone [RSL (Residential Small Lot) and ML (Medium-Low Density Residential) Cliff's Edge Special Land Use Designations], Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

5. Location Map
6. Conditions For This Application
7. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5188], Item 2 [TMP-5290], Item 3 [TMP-5334], Item 5 [TMP-5394], Item 6 [TMP-5400] and Item 7 [ANX-5329] – **UNANIMOUS** – with McSWAIN abstaining on Item 2 [TMP-5290] because her company is currently under contract with KB Homes and on Item 5 [TMP-5394] because her company is under contract with Richmond American Homes

This is Final Action

Note: COMMISSIONER McSWAIN disclosed that the applicant listed on Item 3 [TMP-5334] is Larry S. Davis and Associates and her company did some work for a Davis and Associates in the past. She was not sure if the companies were the same; however, the work was completed and she would be voting on that item.

MINUTES:

CHAIRMAN TRUESDELL stated this is a consent item.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 2 – TMP-5290

MINUTES – Continued:

GARY LEOBOLD, Planning and Development Department, read the revised header into the record for Item 1 [TMP-5188]. The header reads “EIGHT LOT COMMERCIAL CONDOMINIUM SUBDIVISION” and it should read “ONE LOT COMMERCIAL SUBDIVISION”. There was some confusion with the applicant but staff has clarified the application process for the developer. The corrected header reflects the original request for one lot as originally constructed by staff.

(6:40 6:44)

1-1240

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. Street names must be provided in accordance with the City’s Street Naming Regulations.
3. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

4. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision Map or other map is necessary; if such a map is required, it should record prior to the issuance of any permits for this site.
5. The Special Improvement District Section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to release of the Final Map for this site.
6. Prior to the submittal of a Final Map for this site, coordinate with the City Engineer’s Division to determine impacts to this development from the future parkway alignment, if any. Revise the intersection of Puli Road and Grand Teton Drive as necessary.
7. If not already constructed by the Master Developer, construct the full width improvements on Puli Road and construct half street improvements on Shaumber Road and Grand Teton Drive, including appropriate overpaving, adjacent to this site concurrent with

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 2 – TMP-5290

CONDITIONS – Continued:

- development. In addition, a minimum of two lanes of paved, legal access to the nearest constructed public street shall be in place prior to final inspection of any units within this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
8. If not constructed at the time of development by the Master Developer, landscape and maintain all unimproved right-of-way on Puli Road, Shaumber Road and Grand Teton Drive adjacent to this site concurrent with development of this site.
 9. If not obtained at the time of development by the Master Developer, submit an Encroachment Agreement for all landscaping and private improvements in the Puli Road, Shaumber Road and Grand Teton Drive public rights-of-way adjacent to this site.
 10. Gated entry drives shall be designed, located and constructed in accordance with Standard Drawing #222a.
 11. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
 12. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
 13. Public drainage easements must be common lots or within private streets or private drives that are to be privately maintained by a homeowner's association or maintenance association for all public drainage not located within existing public street right-of-way.
 14. Private streets and private drives must be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
 15. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 2 – TMP-5290

CONDITIONS – Continued:

16. Show and dimension the common lots and adjacent right-of-way on the Final Map(s) for this site as recorded by the Cliff's Edge parent map and include the recorder's information (subdivision name, book and page number).
17. Include the vicinity map, as shown on Sheet 1, on the Final Map.
18. The distance from the face of the garage door to the back of sidewalk (or curb, if no sidewalk is proposed) shall be a minimum distance of 18 feet or a maximum distance of 5 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor.
19. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
20. Site development to comply with all applicable conditions of approval for previous zoning actions, Cliff's Edge Parent Map, Cliff's Edge Development Standards, Design Guidelines and Development Agreement, the "Sight Distance Along Shaumber Road within Cliff's Edge" design document dated March 4, 2004 and all other applicable site-related actions.
21. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

TMP-5334 - TENTATIVE MAP - ELEVENTH STREET LOFT HOMES - APPLICANT: LARRY S. DAVIS & ASSOCIATES - OWNER: MISSION SPRINGS PROPERTIES, LLC - Request for a Tentative Map FOR A 31-LOT MIXED-USE SUBDIVISION on 4.19 acres adjacent to the northeast corner of Eleventh Street and Carson Avenue (APN 139-34-712-111; 139-35-310-002 and 006), C-1 (Limited Commercial) Zone, Ward 5 (Weekly).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5188], Item 2 [TMP-5290], Item 3 [TMP-5334], Item 5 [TMP-5394], Item 6 [TMP-5400] and Item 7 [ANX-5329] – UNANIMOUS – with McSWAIN abstaining on Item 2 [TMP-5290] because her company is currently under contract with KB Homes and on Item 5 [TMP-5394] because her company is under contract with Richmond American Homes

This is Final Action

Note: COMMISSIONER McSWAIN disclosed that the applicant listed on Item 3 [TMP-5334] is Larry S. Davis and Associates and her company did some work for a Davis and Associates in the past. She was not sure if the companies were the same; however, the work was completed and she would be voting on that item.

MINUTES:

CHAIRMAN TRUESDELL stated this is a consent item.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 3 – TMP-5334

MINUTES – Continued:

GARY LEOBOLD, Planning and Development Department, read the revised header into the record for Item 1 [TMP-5188]. The header reads “EIGHT LOT COMMERCIAL CONDOMINIUM SUBDIVISION” and it should read “ONE LOT COMMERCIAL SUBDIVISION”. There was some confusion with the applicant but staff has clarified the application process for the developer. The corrected header reflects the original request for one lot as originally constructed by staff.

(6:40 6:44)
1-1240

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for Site Development Plan Review (SDR-4373).
3. All development is subject to the conditions of City Departments and State Subdivision Statutes.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 3 – TMP-5334

CONDITIONS – Continued:

prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

Public Works

6. Petition of Vacations VAC-4104 and VAC-4419 shall record prior to the recordation of a Final Map for this site.
7. The Final Map for this site shall be labeled as a “Merger and Re-subdivision”.
8. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
9. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
10. Site development to comply with all applicable conditions of approval for SDR-4373 and all other applicable site-related actions.
11. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

TMP-5356 - TENTATIVE MAP - CHEYENNE/CAMPBELL (A COMMERCIAL SUBDIVISION) - APPLICANT: INVESTORS REALTY GROUP - OWNER: SAN GREGARIO, LLC AND CAMPBELL 2.5, LLC - Request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUDIVISION on 5.36 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road (APN 138-08-401-008 and 009), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O (Office), Ward 4 (Brown).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265] – UNANIMOUS

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area, it is not located within the notification area and it would not be affected so he would vote on Item 28 [SDR-

5179].

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 4 – TMP-5356

MINUTES:

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:40)

1-83

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

TMP-5394 - TENTATIVE MAP - FARM/TULE SPRINGS - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: SANDCASTLE ENTERPRISES, INC. - Request for a Tentative Map FOR A 51-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 6.3 acres adjacent to the southeast corner of Farm Road and Tule Springs Road (APN 125-16-301-004, 008 and a portion of 125-16-301-001, and 002), R-E (Residence Estates) Zone and U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre), Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5188], Item 2 [TMP-5290], Item 3 [TMP-5334], Item 5 [TMP-5394], Item 6 [TMP-5400] and Item 7 [ANX-5329] – **UNANIMOUS** – with McSWAIN abstaining on Item 2 [TMP-5290] because her company is currently under contract with KB Homes and on Item 5 [TMP-5394] because her company is under contract with Richmond American Homes

This is Final Action

Note: COMMISSIONER McSWAIN disclosed that the applicant listed on Item 3 [TMP-5334] is Larry S. Davis and Associates and her company did some work for a Davis and Associates in the past. She was not sure if the companies were the same; however, the work was completed and she would be voting on that item.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 5 – TMP-5394

MINUTES:

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning and Development Department, read the revised header into the record for Item 1 [TMP-5188]. The header reads “EIGHT LOT COMMERCIAL CONDOMINIUM SUBDIVISION” and it should read “ONE LOT COMMERCIAL SUBDIVISION”. There was some confusion with the applicant but staff has clarified the application process for the developer. The corrected header reflects the original request for one lot as originally constructed by staff.

(6:40 6:44)

1-1240

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for the Site Development Plan Review (SDR-5089) and Rezoning (ZON-5087).
3. Street names must be provided in accordance with the City’s Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. Prior to submittal for a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map reflecting the Conditions of Approval and the Special Conditions in this report shall be approved by staffs of the Planning and Development Department and Public Works Department.
6. The development shall comply with all City codes and State subdivision statutes.
7. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 5 – TMP-5394

CONDITIONS – Continued:

8. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should the common interest community or members thereof request additional maintenance activities, the associated costs shall be assessed to the common interest community and/or members thereof.
9. The grade within the 22-foot landscaped strip provided along the north boundary line adjacent to Farm Road shall not exceed a 3:1 slope.
10. Perimeter walls shall not exceed a height of six feet and the total wall height, including retaining walls, shall not exceed a height of eight feet.

Public Works

11. Site development to comply with all applicable conditions of approval for ZON-5087 and all other subsequent site-related actions.
12. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 5 – TMP-5394

CONDITIONS – Continued:

approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

TMP-5400 - TENTATIVE MAP - CHARLESTON FESTIVAL - APPLICANT: EN ENGINEERING, INC. - OWNER: PSA LAND INVESTMENTS, LLC - Request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 9.74 acres adjacent to the north side of Charleston Boulevard, approximately 375 feet east of Torrey Pines Drive (APN 138-35-801-002 and 138-35-803-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5188], Item 2 [TMP-5290], Item 3 [TMP-5334], Item 5 [TMP-5394], Item 6 [TMP-5400] and Item 7 [ANX-5329] – UNANIMOUS – with McSWAIN abstaining on Item 2 [TMP-5290] because her company is currently under contract with KB Homes and on Item 5 [TMP-5394] because her company is under contract with Richmond American Homes

This is Final Action

Note: COMMISSIONER McSWAIN disclosed that the applicant listed on Item 3 [TMP-5334] is Larry S. Davis and Associates and her company did some work for a Davis and Associates in the past. She was not sure if the companies were the same; however, the work was completed and she would be voting on that item.

MINUTES:

CHAIRMAN TRUESDELL stated this is a consent item.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 6 – TMP-5400

MINUTES – Continued:

GARY LEOBOLD, Planning and Development Department, read the revised header into the record for Item 1 [TMP-5188]. The header reads “EIGHT LOT COMMERCIAL CONDOMINIUM SUBDIVISION” and it should read “ONE LOT COMMERCIAL SUBDIVISION”. There was some confusion with the applicant but staff has clarified the application process for the developer. The corrected header reflects the original request for one lot as originally constructed by staff.

(6:40 6:44)
1-1240

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for Site Development Plan Review (SDR-3790).
3. All development is subject to the conditions of City Departments and State Subdivision Statutes.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 6 – TMP-5400

CONDITIONS – Continued:

prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

Public Works

6. All notes required by Section 18.10.230, subsections (A), (B), and (C) of the Las Vegas Municipal Code Title 18 Subdivision Ordinance shall appear on the recorded Final Map.
7. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
8. Site development to comply with all applicable conditions of approval for SDR-3790 and all other applicable site-related actions.
9. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

ANX-5329 - ANNEXATION - APPLICANT/OWNER: HENRY R GORDON AND THE LILIAS GORDON 1993 LIVING TRUST - Petition to annex property adjacent to the corner of Jones Boulevard and Madre Mesa Drive, containing approximately 2.16 acres (APN 138-13-301-001), Ward 5 (Weekly).

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5188], Item 2 [TMP-5290], Item 3 [TMP-5334], Item 5 [TMP-5394], Item 6 [TMP-5400] and Item 7 [ANX-5329] – **UNANIMOUS** – with McSWAIN abstaining on Item 2 [TMP-5290] because her company is currently under contract with KB Homes and on Item 5 [TMP-5394] because her company is under contract with Richmond American Homes

To be forwarded to City Council in ordinance form

Note: COMMISSIONER McSWAIN disclosed that the applicant listed on Item 3 [TMP-5334] is Larry S. Davis and Associates and her company did some work for a Davis and Associates in the past. She was not sure if the companies were the same; however, the work was completed and she would be voting on that item.

MINUTES:

CHAIRMAN TRUESDELL stated this is a consent item.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 7 – ANX-5329

MINUTES – Continued:

GARY LEOBOLD, Planning and Development Department, read the revised header into the record for Item 1 [TMP-5188]. The header reads “EIGHT LOT COMMERCIAL CONDOMINIUM SUBDIVISION” and it should read “ONE LOT COMMERCIAL SUBDIVISION”. There was some confusion with the applicant but staff has clarified the application process for the developer. The corrected header reflects the original request for one lot as originally constructed by staff.

(6:40 6:44)

1-1240

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - VAC-5265 - VACATION - PUBLIC HEARING - APPLICANT/OWNER:
DR HORTON, INC. - Petition to Vacate a portion of Moccasin Road east of Durango Drive,
Ward 6 (Mack).

SET DATE: 12/01/04

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265] – UNANIMOUS

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area, it is not located within the notification area and it would not be affected so he would vote on Item 28 [SDR-5179].

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 8 – VAC-5265

MINUTES:

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:40)

1-83

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RQR-5263 - REQUIRED FOUR YEAR REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: D R PARTNERS - Required Four Year Review of an approved Special Use Permit (U-0069-98) WHICH ALLOWED A 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1111 West Bonanza Road (APN 139-28-801-016), M (Industrial) Zone, Ward 5 (Weekly).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [RQR-5263] and Item 11 [VAC-5333] – UNANIMOUS

To be heard by the City Council on 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

(6:44 - 6:45)

1-1388

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 9 – RQR-5263

CONDITIONS:

Planning and Development

1. The Special Use Permit shall be reviewed in four years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
4. All City Code requirements and design standards of all City Departments shall be satisfied.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RQR-5372 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT/OWNER: LAULE BECKER II, ET AL - Required One-Year Review of an approved Variance (V-0020-01) WHICH ALLOWED 190 PARKING SPACES WHERE 230 SPACES WAS THE MINIMUM REQUIRED adjacent to the northeast corner of Decatur Boulevard and Alta Drive (APN 139-31-221-001, 003, 004, 005 and 006), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions, deleting Condition 2 and amending the following condition:

1. *The applicant shall submit a current site plan reflecting the current status of uses and parking on the site to the Planning and Development Department prior to consideration of this application by the City Council.*
 - UNANIMOUS with McSWAIN abstaining because her company has done work for the Beckers and Terra Contracting did the utilities on this project, DAVENPORT abstaining because Barry Becker is his neighbor and TRUESDELL abstaining in an abundance of caution because he has previously abstained on this item

To be heard by the City Council on 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 10 – RQR-5372

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, stated the application is to consider the one-year review on an approved variance, which allowed 190 parking spaces where 230 spaces was the minimum requirement. City Council approved this item on May 16, 2001. At that time, the site was only partially developed. Staff has reviewed the Site Plans from 2001 and 2004 and determined some inconsistencies. A parking deficiency of approximately 12 percent exists. The approved variance allowed a deficiency of 16 percent so the current number is lower. MR. LEOBOLD asked the Commission to require the applicant submit an up to date Site Plan and parking analysis if the item is approved because staff does not have this information.

BARRY BECKER appeared on behalf of the applicant and stated his father was involved in the original construction of the shopping center back in 1965. There have been additions to the site since that time. When approved, the owner had the opportunity to redesign the center and add a Walgreens and a mini-storage facility, which are nice additions to the neighborhood.

MR. BECKER lives and works in the area and drives past the shopping center daily. He has counted the available parking spaces numerous times at various times of the day and found that there is more than enough parking for the patrons of the center. In the morning, at 7:45 a.m., approximately 35 to 40 spaces are occupied at 7:30 a.m. Many of those spaces are near the McDonalds and the restaurant, Lou's Diner. At noon, there are 45 to 60 parking spaces occupied. The parking is distributed throughout the center's shops but the McDonalds and Lou's Diner have the most cars. The same average occurs during the evening. At the most, there may be 80 parking spaces occupied. MR. BECKER indicated the one-year review is overdue because there has been continuous construction since the variance was approved. The center has now been fully operational since February of 2004. The mini-storage facility is at 80 percent capacity.

MR. BECKER said he did not feel the one-year review requirement should continue to be imposed on the variance application. The drug store does not need 60 parking spaces. MR. BECKER counted parking spaces at three drug stores during different times of the day and the typical usage is 15 to 20 spaces. He asked that the item be approved with the deletion of Conditions 1 and 2.

COMMISSIONER STEINMAN stated that he agreed with the comments made by MR. BECKER. After visiting the site several times, COMMISSIONER STEINMAN could not identify any traffic being produced by the storage facility. Regarding Walgreens, he recollected that the Board recently approved a drug store at Charleston Boulevard and Jones Boulevard without the required parking. The Commissioner felt McDonalds would most likely require the

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 10 – RQR-5372

MINUTES – Continued:

most parking and there is more than enough parking for the center. He would support the removal of the one-year review requirement.

COMMISSIONER EVANS asked MR. LEOBOLD to explain Condition 1. MR. LEOBOLD stated Condition 1 was imposed because staff did not have a current Site Plan for the project. To analyze parking with the plans on file was difficult. He said the requirement of the one-year review was at the discretion of the Board. The site is built and there is no expectation of change.

MR. BECKER stated a new Site Plan was done and it reflects the way the parking lot is currently stripped. He ordered a Site Plan but it took awhile to finish because the site had to be flown. He offered to bring the Site Plan to staff. VICE CHAIRMAN NIGRO confirmed that if the condition were modified to read “the Site Plan must be submitted prior to City Council”, MR. BECKER could comply with the condition.

COMMISSIONER STEINMAN asked staff what would happen if in the future, there was a use change on the property. He wanted to know if the applicant would have to supply staff with a revised Site Plan and if the Commission would see a review application. MR. LEOBOLD informed him that if the change was within an existing space and was an intensification of use, it should be reviewed but it would be hard to recognize unless there was a permit issued for some aspect of the work. If the construction was new, it would be reviewed.

(6:45 - 6:58)

1-1446

CONDITIONS:

Planning and Development

1. Any change in use requires a parking analysis be reviewed by the Planning and Development Department prior to the issuance of any building permits, business licenses, or certificate of occupancy.
2. This Variance shall be subject to a one (1) year review.
3. City Code requirements and design standards of all City Departments, which are not affected by approval of this Variance must be satisfied.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAC-5333 - VACATION - PUBLIC HEARING - APPLICANT: SUMMIT ENGINEERING CORPORATION - OWNER: FLAMINGO SEC PARTNERS, LLC -
Petition to Vacate U.S. Government Patent Easements generally located west of Decatur Boulevard, south of Alpine Place, Ward 1 (Moncrief).

SET DATE: 12/01/04

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions on Item 9 [RQR-5263] and Item 11 [VAC-5333]– UNANIMOUS

To be heard by the City Council on 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

(6:44 - 6:45)

1-1388

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 11 – VAC-5333

CONDITIONS:

1. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
2. All development shall be in conformance with code requirements and design standards of all City Departments.
3. The Order of Relinquishment of Interest shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
4. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - GPA-5266 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to Amend the City of Las Vegas Downtown Redevelopment Plan Map of the Las Vegas Redevelopment Plan to designate Future Land Use Designations as Commercial, Mixed Use, Industrial or Public Facility located within the Redevelopment Plan expansion area and within other areas of the Las Vegas Downtown Redevelopment Plan Map. Wards: 1 (Moncrief), 3 (Reese), and 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends this item be HELD IN ABEYANCE to the December 2, 2004 Planning Commission meeting.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265]

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 12 – GPA-5266

MOTION – CONTINUED:

Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area. It is not located within the notification area and it would not be affected, so he would vote on Item 28 [SDR-5179].

MINUTES:

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:40)

1-83

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - GPA-5172 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: STAR LIVING TRUST AND MATRIX DEVELOPMENT CORPORATION - Request to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: RE (RURAL ESTATES) TO: R (RURAL DENSITY RESIDENTIAL) on approximately 6.7 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Road (APN 125-26-801-012), Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Submitted at Meeting (not included with Back-up Documentation) – Letter of Support from Rod Campbell submitted by Randy Rutherford

MOTION:

NIGRO – APPROVED – UNANIMOUS with McSWAIN abstaining because her husband is involved in an unresolved financial matter with ROBERT TURI, who is one of the applicant's representatives

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 13 [GPA-5172], Item 14 [ZON-5174], Item 15 [WVR-5331] and Item 16 [SDR-5175].

GARY LEOBOLD, Planning & Development Department, stated the applications were held in abeyance at the 10/21/2004 Planning Commission meeting to allow the applicant time to hold a

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 13 – GPA-5172

MINUTES – CONTINUED:

neighborhood meeting. A meeting had been held on September 14th and there were 27 residents who attended that meeting and voiced concerns about the project. After the Planning Commission recommended the applicant meet again with the neighbors, the applicant held a second meeting on November 1st. The main topics of discussion related to density, lot size drainage, open space and access to a community well through the northwest portion of the proposed development.

The applicant then met individually with residents on November 6th during a walk thru. Thereafter, a third neighborhood meeting was held on November 15th as a follow up for proposed solutions. The applicant redesigned the project in response to the neighbors concerns. The open space area has been relocated to an area adjacent to the community well so access to the well is available. The applicant has also agreed to provide additional landscaping and to locate one-story homes where the project would be most visible from the adjacent rural properties. The applicant agreed to request rural street standards along Mustang Road and El Campo Grande Avenue. Even though the applicant has made several concessions to the neighbors, the plan still proposed 32 lots and staff believed that with the established development patterns in the area, the rezoning related Site Plan would still be too dense and inappropriate for the location.

MR. LEOBOLD indicated that Public Works has a change in Condition 5 of Item 14 [ZON-5174]. He referred the Commissioners to their backup for a copy of the suggested amendment if action was taken on the item.

RANDY RUTHERFORD, 12755 Southwest 72nd Avenue, Suite 100, Portland, Oregon, 97223, appeared on behalf of the applicant and thanked the Planning Commission for granting the abeyance at the 10/21/2004 hearing. He felt it was appropriate and he was hopeful that the Commission would grant approval of the applications because considerable progress had been made with the neighbors. He also indicated that TERI LIVENGOD with Stantec Consulting was also present to answer any technical questions, along with DENNIS GRAYSON with Allied Development who provides development related services to the applicant locally and BILL CURRAN, Attorney with Curran & Perry.

MR. RUTHERFORD did not want to reiterate the testimony entered at the last Public Hearing by ROBERT TURI of Stantec; however, he did want to add to the record, what had been done since that last meeting and how an agreement has been reached that virtually eliminates all of the opposition present at that time.

MR. RUTHERFORD indicated that a meeting was held November 1st with several residents in the home of MR. and MRS. DAVID MATTHEWS who live adjacent to the four lots proposed

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 13 – GPA-5172

MINUTES – CONTINUED:

on the corner of Ann Road and Mustang Road. The neighborhood was then walked the following Saturday, November 6th, and the applicant met with a number of property owners who have a common property line with the subject property. MR. RUTHERFORD felt that walking the neighborhood and addressing the concerns of residents would help to understand why neighbors were so adamantly opposed to the proposal.

Notices were sent out to 144 homes in a 750-foot radius for a meeting held on November 15th. There were four residents in attendance and all four had also been to the meetings on November 1st and November 6th. In addition to those four residents, KIMBERLY BUSH from COUNTY COMMISSIONER CHIP MAXFIELD'S office as well as LENI SKAR, Development Liaison to COUNCILMAN MICHAEL MACK were present.

MR. RUTHERFORD pointed out that the revised Site Plan showed the open space was shifted to the north. This new alignment would facilitate ongoing access to the community well located on an adjacent parcel to the west. It was not required and was a concession that helped to reverse some of the strongest opposition faced since the first neighborhood meeting. He stated that ROD CAMPBELL was the most vocal opponent of the project when first proposed and MR. RUTHERFORD was able to submit a letter of written support from MR. CAMPBELL, who was unable to attend the meeting.

In addition to shifting the open space, the applicant has also agreed to provide access through an access agreement between the neighborhood association for the proposed development and the community well users. The applicant has also agreed to limit lots five, although lot one was highlighted on the map, lots nine through 12, 14, 16 through 19, 29 and 31, to one level homes. This was key in eliminating concern over rear-yard privacy.

This issue will be further mitigated by the placement of an eight-foot wall at the common property line along the MATTHEW'S parcel. A wall will also be placed either on the property line or directly adjacent to it, between the main subject parcel and the property owners to the west on Torrey Pines Drive. The height of that wall will begin at 6 feet where it will be adjacent to a side property line and to transition it from six feet to eight feet where the wall is adjacent to rear property lines and then reduce the wall height back down to six feet when the wall is adjacent to a parcel with frontage on Ann Road. 24-inch box trees spaced at 30 feet on center would be placed along the wall where it is six feet tall.

In an attempt to deter the possibility of nuisance claims from future homeowners, the applicant has prepared a draft zoning disclosure statement, which would effectively remove any right a future homeowner might have. The revised Site Plan reflects rural development standards

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 13 – GPA-5172

MINUTES – CONTINUED:

allowing rolled curbs and no sidewalks. The street light standards have been reduced as well. The applicant agreed to this condition after City staff discovered the Site Plan would qualify for such standards. This would be limited to the frontage on El Campo Grande Avenue and on Mustang Road, north of the main access point to El Campo Grande Avenue. The neighbors have stated they do not want sidewalks and they only want the least amount of street lighting that is allowable. The applicant had no problem in granting this request.

MR. RUTHERFORD asked for a favorable recommendation to the City Council and he thanked the Commissioners for their consideration. He said that MS. LIVENGOOD had some conditions to read into the record. Both the neighbors and the applicant had agreed upon those conditions. CHAIRMAN TRUESDELL confirmed with MR. LEOBOLD that the additional conditions had been provided to staff and were in the Commissioner's back up packets for the items.

MS. LIVENGOOD stated the conditions are quite lengthy and she asked if the Chairman would prefer that they not be read because they are in the record. DEPUTY CITY ATTORNEY BRYAN SCOTT advised that if staff has had a chance to review the additional conditions and everyone agrees to them, they do not need to be read into the record. MR. LEOBOLD stated that staff is agreeable to the conditions pertaining to the one-story height limit, the landscaping etc. He indicated there are some conditions pertaining to disclosure statements, which staff has no way to regulate or enforce and therefore, could not accept. DEPUTY CITY ATTORNEY SCOTT said the responsibility to make disclosures to potential buyers lies solely on the applicant. The City does not get involved in that process. MR. LEOBOLD noted that the disclosure could be a part of the CC & R's for the development or within the sales agreement.

MR. RUTHERFORD stated the applicant intends to have the Homeowners Association Bylaws and Conditions, Covenants and Restrictions reflect the zoning disclosure statement whether it is conditioned or not.

MS. LIVENGOOD stated that there was a previous request by MRS. ALFASI to have a single story home across from her home on lot five. That request has been amended so that the request for the single-story home would apply to lot six. MR. LEOBOLD indicated that staff had received a letter confirming that statement.

COMMISSIONER McSWAIN asked if ROBERT TURI was still involved with the project or with the company in any way. MR. RUTHERFORD stated that MR. TURI is still with Stantec and Stantec is still a representative in the planning and engineering aspects of the project. He added that MR. TURI was ill. COMMISSIONER McSWAIN indicated she had previously abstained on the item and she would continue to abstain because MR. TURI and her husband are involved in an unresolved financial matter.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 13 – GPA-5172

MINUTES – CONTINUED:

RENEE ALFASI, 5760 Mustang Street, confirmed MS. LIVENGOD'S comments that she does want the single-story home to go on lot five, not lot six. She also said that if this is approved, she would like the rural frontage in front of the development. The development will drastically change the area because all of the surrounding homes are rural.

CHAIRMAN TRUESDELL commended the applicant on meeting with the neighbors and working so hard to resolve many of the issues raised during the last meeting.

GINA VENGLASS, Public Works Department, stated that staff was able to revise Condition 5 to allow rural improvements on El Campo Grande only. The reason that can be done at staff level is because Council has previously directed staff to allow rural improvements down the street. Staff was not able to allow rural improvements on Mustang Road so staff is recommending the condition remains as it has been revised. This would require full urban improvements on Mustang Road. VICE CHAIRMAN NIGRO asked what it would take to get the determination that Mustang Road could be given the same consideration. He felt that Mustang Road would be a natural continuation for the rural improvements. MS. VENGLASS reiterated that at staff level, the recommendation must reflect the requirement of full urban improvements. City Council must give direction to staff to change that recommendation. North of the subject site is a rural environment; however, there are fully developed subdivisions with improvements.

VICE CHAIRMAN NIGRO also commended MR. RUTHERFORD for the applicant's efforts in working with the neighbors and was happy to see neighbors in support of the item. He felt if the neighbors wanted the rural improvements he would be supportive of that barring any major infrastructure issues, none of which have been identified at this time.

DEPUTY CITY ATTORNEY SCOTT reminded the Vice Chairman that he could recommend that the condition be modified at this time. VICE CHAIRMAN NIGRO motioned to have Condition 5 modified on Item 14 [ZON-5174] to allow rural improvements on Mustang Road. MS. VENGLASS stated that adding Mustang Road in its entirety would not work because the applicant wanted sidewalk from the entrance, southbound to Ann Road for school children. She stated she would word the condition so that the sidewalk was allowed from the entrance to Ann Road. CHAIRMAN TRUESDELL clarified that the area that would not have sidewalk was from the entrance to El Campo Grande Avenue. VICE CHAIRMAN NIGRO amended his motion to reflect those specific sections.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 13 [GPA-5172], Item 14 [ZON-5174], Item 15 [WVR-5331] and Item 16 [SDR-5175].

(7:27-7:52)

1-3368

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - ZON-5174 - REZONING RELATED TO GPA-5172 - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: STAR LIVING TRUST AND MATRIX DEVELOPMENT CORPORATION - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) AND RE (RURAL ESTATES) GENERAL PLAN DESIGNATIONS] TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT – 3 UNITS PER ACRE) on 10.65 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Road (APN 125-26-801-012 and 125-26-802-014), Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED – UNANIMOUS with McSWAIN abstaining because her husband is involved in an unresolved financial matter with ROBERT TURI, who is one of the applicant’s representatives

To be heard by City Council 12/15/2004

MINUTES:

See Item 13 [GPA-5172] for all related discussion on Item 13 [GPA-5172], Item 14 [ZON-5174], Item 15 [WVR-5331] and Item 16 [SDR-5175].

(7:27-7:52)

1-3368

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 14 – ZON-5174

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-5172) to an R (Rural Density Residential) land use designation approved by the City Council.
2. A Site Development Plan Review (SDR-5175) and Title 18 Waiver (WVR-5331) approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. A Resolution of Intent with a two-year time limit.

Public Works

4. Dedicate 30 feet of right-of-way adjacent to this site for Mustang Road, where such does not exist, 30 feet for the south side of El Campo Grande Avenue and a 15-foot radius on the southwest corner of El Campo Grande Avenue and Mustang Road prior to the issuance of any permits.
5. Construct half-street improvements, including appropriate transitional paving, on Mustang Road and El Campo Grande Avenue, adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Also construct any incomplete improvements and remove any substandard improvements and replace with improvements meeting City of Las Vegas Standards on Ann Road, if any, adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
6. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
7. Extend public sewer in Mustang Road to the northern edge of this site at a depth and location acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 14 – ZON-5174

CONDITIONS – Continued:

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE - WVR-5331 - WAIVER RELATED TO GPA-5172, ZON-5174, AND SDR-5175 - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: MATRIX DEVELOPMENT CORPORATION - Request for a Waiver of Title 18.12.160 TO ALLOW A 182-FOOT SEPARATION BETWEEN INTERSECTIONS WHERE A MINIMUM OF 220 FEET IS REQUIRED WHEN PROVIDING EXTERNAL ACCESS FROM A SUBDIVISION TO AN EXISTING STREET HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET OR MORE, IN CONJUNCTION WITH A PROPOSED 32-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.65 acres adjacent to the northwest and northeast corners of Ann Road and Mustang Road (APN 125-26-801-012 and 125-26-802-014), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED – UNANIMOUS with McSWAIN abstaining because her husband is involved in an unresolved financial matter with ROBERT TURI, who is one of the applicant's representatives

To be heard by City Council 12/15/2004

MINUTES:

See Item 13 [GPA-5172] for all related discussion on Item 13 [GPA-5172], Item 14 [ZON-5174], Item 15 [WVR-5331] and Item 16 [SDR-5175].

(7:27-7:52)

1-3368

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 15 – WVR-5331

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-5172), Rezoning (ZON-5174), and Site Development Plan Review (SDR-5175).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - SDR-5175 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5172 AND ZON-5174 - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: STAR LIVING TRUST AND MATRIX DEVELOPMENT CORPORATION - Request for a Site Development Plan Review FOR A 32 LOT RESIDENTIAL SUBDIVISION on 10.65 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Road (APN 125-26-801-012 and 125-26-802-014), U (Undeveloped) [R (Rural Density Residential) and RE (Rural Estates) General Plan Designations] [PROPOSED: R-PD3 (Residential Planned Development – 3 Units Per Acre)], Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED – UNANIMOUS with McSWAIN abstaining because her husband is involved in an unresolved financial matter with ROBERT TURI, who is one of the applicant's representatives

To be heard by City Council 12/15/2004

MINUTES:

See Item 13 [GPA-5172] for all related discussion on Item 13 [GPA-5172], Item 14 [ZON-5174], Item 15 [WVR-5331] and Item 16 [SDR-5175].

(7:27-7:52)

1-3368

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 16 – SDR-5175

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-5172), Rezoning (ZON-5174), and Title 18 Waiver (WVR-5331) approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
4. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the house, nine feet on the side, 14 feet on the corner side, and 20 feet in the rear.
6. The elevations shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, with additional architectural features to enhance façade articulation.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 16 – SDR-5175

CONDITIONS – Continued:

13. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

14. Gated entries, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
15. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
17. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-5174 and all other subsequent site-related actions.
18. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
19. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - GPA-5195 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: MIKE MULLIN - OWNER: WESTCARE WORKS, INC. - Request to amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 5.21 acres at 5659 Duncan Drive (APN 138-12-110-048), Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

75

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends this item be TABLED.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265]

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area. It is not located within the notification area and it would not be affected, so he would vote on Item 28 [SDR-5179].

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 17 – GPA-5195

MINUTES:

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:40)

1-83

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - ZON-4623 - REZONING - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane (APN: 125-19-201-001 and 003), Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

20

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting – Letter of Opposition from Richard Lemmon

MOTION:

DAVENPORT – Motion to HOLD IN ABEYANCE – Motion carried with NIGRO and EVANS voting NO

To be held in abeyance until 12/16/2004 Planning Commission Meeting

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 18 [ZON-4623], Item 19 [VAR-5377] and Item 20 [SDR-4626].

GARY LEOBOLD, Planning and Development Department, explained that the original request was for RPD-5 zoning and site plan for 27 lots with open space, along with a General Plan Amendment (July 22nd Planning Commission Meeting). Subsequently, the items were held in abeyance to August 26th; however, the General Plan Amendment was withdrawn. The project

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

was to be revised to RPD-3, with 19 lots and no open space. Staff spoke with the applicant regarding an alternative Site Plan with 19 lots but contained an open space component that met Code requirements. However, the proposed project does not meet the test and state law for granting a Variance, so staff recommended denial. Should the Commission approve of the alternate Site Plan, the Variance could be withdrawn and the application could be approved.

Regardless of either Site Plan, there would be a minor change required on the east side of Hualapai Way. MR. LEOBOLD pointed out that there needs to be an additional five feet integrated with a right turn lane on Hualapai Way onto Dorrell Lane, which would affect Lots 7 – 11. In addition, Public Works has a condition on Item 18. Regarding Item 19, Condition 3 should be included as part of Planning and Development, so the subtitle “Public Works” should be deleted.

JOHN FIELD, Attorney, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. ATTORNEY FIELD thanked the residents, staff and the Planning Commission for everyone’s patience and working with the applicant on these applications. ATTORNEY FIELD gave a detailed overview of the proposed project. He added that attempts have been made to address the residents’ concerns, with emphasis on the density of the proposed project. The open space requirement would be developed within the guidelines of the RPD-3, which would be 19 units per acre. The residents preferred having the open space along the eastern edge, so the Site Plan was revised to reflect this request. In addition, they preferred an entrance on Haley Avenue rather than Dorrell Lane. The elevations have also been adjusted along Haley Avenue and Dorrell Lane. There is also single story and two story units along the entire eastern edge with up to 40 feet setbacks. Single story units have been added to preserve the view for existing residents who reside along the northeastern portion. The lot size would range from 6,586 to 9,300 square feet.

RICHARD LEMMON, 9645 Haley Avenue, stated he submitted a letter of protest at a previous Planning meeting in August. He then submitted an updated letter of protest for the record. MR. LEMMON continued by stating it is difficult to address the proposed project because each time he has seen it, there has been changes. He then stated his opposition to the rezoning to RPD-3, the Variance and the Site Plan. He felt that the density, lot sizes and the setbacks were not consistent with the Centennial Hills Sector Plan nor compatible with adjacent residential use. In January, 2002, the City and the County adopted the Interlocal Agreement. At that time, the parcel was located in what is now the Rural Neighborhood Preservation District. In January, 2003, the City and the Council adopted the Centennial Hills Sector Plan and Map. He used the overhead to show the proposed parcel, as it has been moved to the Rural Density Residential District.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

This is a narrow 330-foot buffer zone going north and south to buffer between the Rural Neighborhood Preservation District (RNPd) and the increased density of the planned community development to the west. Since this would be the first parcel to be developed in this buffer zone, he felt that any action the Commission takes would set a precedent for the remaining parcels within the Rural Density Residential District (RDRD). The RDRD has a density of 2.5 to 3.59 units per acre. The uniqueness of this district within the Centennial Hills Sector Plan is that the plan describes the criteria, which states the density maximum is allowed depending on the density of the adjacent, existing and planned residential development. The lot size and density of development should be similar to that which is immediately adjacent to the new development. Immediately adjacent to the new development is a RNPd with a density of zero to two units per acre with corresponding lot sizes of 20,000 + square feet. Many of the homes in this district are on lots much larger than ½ acre. The proposed site plan has a density of 3.55 units per acre with lot sizes ranging from 5,844 to 9,288 square feet. He felt that these lot sizes are not similar to the 20,000 + square-foot lots adjacent to it. He pleaded with the Commission to be sensitive to the Centennial Hills Sector Plan. He felt that the maximum density of the proposed parcel should be restricted to 2.5 units per acre with corresponding lot sizes of approximately 16,000 square feet, which would be similar to the abutting lots.

BRIDGETT SOLVIE, 7030 N. Conquistador Street, stated that she did not receive any notification. She had seen her neighbor's notice, which was worded incorrectly reflecting 27 lots and not the proposed 19 lots. She stated that she and the other residents were mainly concerned with the overall density and the portion that rests to the west of the residents and east of the displayed drawing. The applicant is requesting five-foot setbacks and 15-foot rear setbacks. She continued by stating that should the application go forward, civil engineering would require an enormous land lift to accommodate adequate drainage from the sites to the street layouts, which would then require a higher block wall for the residents. Even though the minimum setbacks are 15 feet, there is no condition stipulating this for the applicant. In addition, she conceded that the applicant has put forth some effort in resolving the residents' concern for single story. She also added that the overall lot size is not adequate for buffering the RNP area. Even though some of the adjacent areas were not developed, she pointed out that the zoning is still RNP, which would be zero to two units per acre. MS. SOLVIE reiterated that the residents only have 330 feet of buffering space from the higher intensity of Cliff's Edge, as it is a much larger development. She spoke on the residents behalf also and requested that a portion of the parcel be changed to DR 2.59 units per acre, which would give larger lot sizes overall.

ATTORNEY FIELD responded by stating that the setback requirements have been met. The setback MS. SOLVIE referred to was the side setback, which is not included in their Site Plan. He pointed out that along the eastern edge of the site, the setbacks have increased from five to 20 feet.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

COMMISSIONER McSWAIN asked ATTORNEY FIELD or Public Works to comment on the concern the residents had regarding the land lift and having a higher block wall.

GINA VENGLASS, Public Works, responded that at that time, she was not aware that a drainage study had been submitted. With Zoning and Site Plan Reviews, Public Works is not given grading information or cross sections for the site but confirmed that there are large grade differences in this particular area. There would be retaining walls, but she could not state what the height of the retaining wall would be at this time.

COMMISSIONER McSWAIN asked if the applicant had not submitted the last Site Plan with a Variance on the open space, would staff have recommended approval on the previous Site Plan that had open space with the zoning request as RPD-3? MR. LEOBOLD replied that staff would support the submitted revised Site Plan with 19 lots as it is a conforming request because the land use designation for that area is R.

MR. LEOBOLD then pointed out that staff was just made aware that on the Site Plan, there is not 220 feet for the street setback. Should the Commission approve the application, staff would require this as a condition and would be part of the Tentative Map. The Tentative Map would not be Final Action and would be forwarded to City Council, as Title 18 Waivers have to go before Planning Commission and City Council. He then verified for COMMISSIONER McSWAIN that staff recommended denial on the initial Site Plan that required a General Plan Amendment change. On the current Site Plan without any open space, staff recommended denial because it does not meet the requirements for a Variance under the State law. There is no loss of use of the site, and the applicant chose not to provide the possible open space. He credited the applicant on the revised Site Plan, as it is the closest plan that meets staff's standards.

MS. SOLVIE interjected that the residents have never seen the Site Plan that reflected 19 lots with open space on the eastern line. In addition, there has not been any communication with the residents regarding a neighborhood meeting, aside from this Planning Commission meeting.

ATTORNEY FIELD responded that the initial Site Plan was submitted on July 29th and August 6th. However, it was tabled but the issues were discussed with the residents. He added that he had spoken with the engineer regarding the Hualapai Way turnout. The applicant would still provide a 220-foot street setback even with the added turn lane onto Hualapai Way.

MS. VENGLASS confirmed for COMMISSIONER McSWAIN that Hualapai Way is a 100-foot right-of-way. ATTORNEY FIELD also confirmed for her that all three Site Plans have 19 lots and conformed to the Rural Designation. As a means to continue working with the residents, the proposed revised Site Plan has varied and/or increased elevations and larger lots.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

COMMISSIONER McSWAIN felt that any one of the three Site Plans would be an appropriate buffer considering Hualapai Way is a 100-foot right-of-way. However, she, too, was concerned with the drainage issue as MS. SOLVIE had previously expressed. COMMISSIONER McSWAIN felt that it could be a problem, and it is the applicant's responsibility to find a way to overcome this. In addition, this problem takes away the applicant's argument that they mitigated the northern edge with single story, if the lift is substantially high because of the drainage issue. She continued by stating that she could support the Variance with the larger lots.

VICE CHAIRMAN NIGRO asked if there was stipulation in the Code that limits the grade difference between a developed and undeveloped property? MS. VENGLASS responded that Title 18 limits retaining wall heights to six feet. If over six feet, the requirement is to have the stepping on the developer's property with the four foot landscape buffer in between. With Tentative Maps, the developer is required to submit cross sections of the property with the existing and proposed grades and show all block walls and retaining wall heights at that time. If the Title 18 requirements are exceeded, the Tentative Map becomes a public hearing at a Planning Commission meeting.

MS. VENGLASS explained that Title 18 is based on existing grades of the ground and a maximum of a four-foot retaining wall is allowed. Even if the requirement was exceeded, the item would still be a public hearing. She confirmed for VICE CHAIRMAN NIGRO that it is a means of protecting the concern that one of the neighbors expressed relative to having inordinately high walls due to significant grade differentials, such as this parcel relative to the east and west portions. She then expressed that the Code is written in such a way to protect the neighbors, mainly the public rights-of-way and the adjacent property owners. She reiterated that the grades are steep in this area and the majority of past Cliff's Edge Tentative Maps have retaining walls.

VICE CHAIRMAN NIGRO was under the impression that the residents originally supported the Site Plan with the zero open space and larger lots. ATTORNEY FIELD stated that in previous negotiations with the residents, they expressed their desire for larger lots with less regard for the open space. VICE CHAIRMAN NIGRO then stated that in the past, he has supported applications with zero open space and larger lots when the developer and the residents were in agreement that it would best protect their property values and the projects were somewhat compatible. He agreed with COMMISSIONER McSWAIN that the proposed project is an appropriate buffer, given what is happening with Cliff's Edge to the west of the proposed project.

He would be more supportive of the Site Plan with open space because it provides a better buffer to the property to the east.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

Although concurrence or compromising was not confirmed between the residents and the applicant, he pointed out that having a restriction, such as larger lots with limitations on single story, is a good compromise. He would tend to support staff with the Site Plan they feel is most appropriate, which is the one with the open space and the side loaded lots.

CHAIRMAN TRUESDELL'S expressed concern with the grading issues. He has seen developments within the southern portion of the Valley are situated right at the mountains. They are designed to contour very well. After further review of the proposed project, he was more aware of the grading issues. He felt that retaining walls should not only be shared but that the planners deal better with the contours of the Valley and the density. He would rather see additional open space than unusable side yards that do not create any value to the community. He continued by stating that he could support the density but not the Site Plan, as he preferred seeing an improvement with the slope conforming to the site.

ATTORNEY FIELD stated the engineer informed him that the slope on Hualapai Way could be dropped and add what is known as "B" drainage along the eastern edge.

COMMISSIONER McSWAIN stated that six feet along the northern edge would not be acceptable. CHAIRMAN TRUESDELL then expressed that it would not be fair for the Commission, staff, residents or even the applicant to spend time trying to redesign a Site Plan at this meeting. It was his impression that the application was further along than what has happened at this meeting. He suggested abeying the item or addressing the zoning issue

COMMISSIONER EVANS agreed and supported the Site Plan with the open space features. He commented on the protest letters included in the backup documentation, which are dated from July and August. He questioned if the surrounding landowners who protested the initial application are protesting the application that excludes the open space or the one with the larger lots. He is unsure of their opinion and preferred that they were in attendance at this meeting to voice their protest or approval for the proposed project. He pointed out that this item has been before the Commission approximately four times and should be of concern as to how much longer this item will continue to be heard.

CHAIRMAN TRUESDELL agreed that there needs to be some direction with this application so closure can begin. COMMISSIONER McSWAIN clarified for CHAIRMAN TRUESDELL that her focal point was to set parameters, as most of the Commission agreed with supporting the zoning. In addition, with added conditions relative to sloping, she could support the Site Plan with the open space on the eastern side. CHAIRMAN TRUESDELL'S main concern was not to become entangled with possible waivers regarding the aforementioned issues after the fact. He felt that conditions needed to be placed at this time.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

MR. LEOBOLD suggested if the Commission chose to hold the Site Plan, then the Rezoning should also be held because as RPD, the Site Plan is part of the Rezoning.

VICE CHAIRMAN NIGRO stated the engineering aspect for retaining walls do not address interior wall retaining situations, as the Code is not prepared to deal with this issue on this application. There are experienced designers and engineers in the City who understand the current Code; if there weren't any, then all applications would be coming back before the Planning Commission with waivers for the Tentative Map. He questioned what the Commission was requesting if there was already concurrence with the six feet regulation, per Code, which protects the adjacent property owners. He felt that to hold the Site Plan for engineering issues would be contradicting to the way Site Plans are approved prior to the Tentative Maps.

COMMISSIONER McSWAIN agreed with VICE CHAIRMAN NIGRO'S comments. However, she felt that six feet was too much. VICE CHAIRMAN NIGRO explained that it is not the six feet, but the grade differential between the adjacent properties, which could be between zero to six feet. MS. VENGLASS concurred and reiterated that once you exceed six feet, then there is a requirement to do the setback with the landscaping buffer.

COMMISSIONER McSWAIN commented that if a six-foot retaining wall was on Lot 13, which barely met the requirement, she felt that this would be counterproductive to this area in light of the rural nature. It would end up being the height of a single story unit on top of a six-foot retaining wall. She hoped that the six-foot retaining wall could be reduced by a condition and allow the Site Plan to go forward, in hopes that the project would end up conforming with the neighborhood.

VICE CHAIRMAN NIGRO agreed with decreasing the height of the retaining wall by means of a condition. COMMISSIONER McSWAIN then asked if the applicant was willing to agree to a condition regarding decreasing the height of the retaining wall, such as three feet.

CHAIRMAN TRUESDELL stated that having a design that is well thought out plays an important part in the approval process of an RPD with the requested density. He found it hard to believe that the engineer could not specify what the elevation grades are. ATTORNEY FIELD responded that the applicant would be willing to provide a cross section to staff prior to City Council, which would show that it is no more than a four percent increase on the gradient. Thereby, the block wall would not exceed the six-foot requirement. COMMISSIONER McSWAIN reiterated her understanding of the Code but stressed to ATTORNEY FIELD that six feet is not desirable. She explained that she is requesting the requirement be three feet.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

MS. VENGLASS then stated that the applicant could lower the site on the side of Hualapai Way, so that the retaining would be facing internal into their site. The block wall on Hualapai Way would be a reasonable height, six feet or otherwise, without retaining facing wall. The additional retaining wall would be on the adjacent neighbor's property along the east side of the site. VICE CHAIRMAN NIGRO then stated that the question would be the height of the additional retaining wall. MS. VENGLASS then commented that if this cannot be done and the engineer is not satisfied that the drainage is being conveyed properly, the application would have to come forward again with a review of condition. VICE CHAIRMAN NIGRO suggested if the condition is amended to change the footage requirement, then the Code needs to be addressed relative to the six feet, as other applications will come forward. MS. VENGLASS stated that Public Works is working with Planning and Council to come up with better ways to handle these wall issues.

COMMISSIONER STEINMAN asked if the site had 2.59, would there still be an issue with the retaining wall? MS. VENGLASS replied that she did not have sufficient information to evaluate and respond to his question. VICE CHAIRMAN NIGRO added that a developer's rule of thumb is the larger the lot, the easier it is to handle the grade on these lots, so there would be less impact on the perimeter of the community.

COMMISSIONER STEINMAN'S opinion was one cannot guess whether a 2.59 creates a four-foot wall or 3.59 creates a six-foot wall, but it cannot be done at this level. He felt that it should go forward at the proper level in the process. COMMISSIONER McSWAIN respectfully disagreed and felt that the attempt was to try and set parameters that the applicant could comply with so that the application could go forward. It is her opinion that the basic Site Plan as presented protected the eastern boundary, and the zoning and the density is appropriate as a buffer. COMMISSIONER STEINMAN stated that there will be more developments further up the mountain and the issue of retaining walls will continue. He felt it would not be appropriate to stipulate three feet of retaining wall on this parcel and then later stipulate four feet on a nearby proposed parcel.

VICE CHAIRMAN NIGRO reiterated that a condition could be stipulated. Prior to City Council, the applicant would have time to review and work with the engineer and staff to confirm if they could comply.

COMMISSIONER EVANS wanted clarification on which Site Plan the Commission was voting on. MR. LEOBOLD clarified that the vote would be based upon the Site Plan with the open space, which is the plan submitted at this meeting. So, a condition would need to be stipulated that the applicant provides the Site Plan so that the applicable departments could review and provide input.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 18 – ZON-4623

MINUTES – Continued:

Staff did not have copies of the revised Site Plan that was discussed at this meeting. CHAIRMAN TRUESDELL was under the impression that staff had already received copies of this Site Plan, reviewed it and then recommended denial. He then advised the applicant that he could support the density but would rather see the Site Plan held. MR. LEOBOLD replied that staff would prefer the Site Plan with the open space and would like to have the Site Plan, for their records, should the Site Plan go forward to City Council. VICE CHAIRMAN NIGRO then asked staff if time was sufficient for staff to provide a recommendation on the Site Plan MR. LEOBOLD referred to? MR. LEOBOLD stated yes, as the Site Plan already meets the open space criteria. Staff would like to see some adjustments made relative to Public Works concerns, such as the right turn on Hualapai Way. Then there would be a more finalized Site Plan that would be forwarded to City Council.

COMMISSIONER DAVENPORT suggested that the item be held for two weeks or 30 days to allow staff the opportunity to review the Site Plan that was presented at this meeting. In addition, he would like to see a typography map representing the slopes. COMMISSIONER EVANS respectfully disagreed with COMMISSIONER DAVENPORT'S recommendation to hold the item, as the item had been previously held several times.

Should the item be held, COMMISSIONER McSWAIN stressed that she would like to see the Site Plan reflect that of the typography map. She did not want a six-foot wall along Hualapai Way to compensate for the lack of a six-foot wall on the opposite side. Prior discussions have taken place about having the area going towards the mountain fit the natural grade to avoid a boxed-in scenario.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 18 [ZON-4623], Item 19 [VAR-5377] and Item 20 [SDR-4626].

(7:52 - 8:48)

2-628

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5377 - VARIANCE RELATED TO ZON-4623 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC - Request for a Variance TO ALLOW NO OPEN SPACE WHERE 13,633 SQUARE FEET IS THE MINIMUM REQUIRED FOR A PROPOSED 19 LOT SINGLE-FAMILY DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane (APN 125-19-201-001 and 003), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – Motion to **HOLD IN ABEYANCE** – Motion carried with **NIGRO** and **EVANS** voting **NO**

To be held in abeyance until 12/16/2004 Planning Commission Meeting

MINUTES:

See Item 18 [ZON-4623] for all related discussion on Item 18 [ZON-4623], Item 19 [VAR-5377] and Item 20 [SDR-4626].

(7:52 – 8:48)
2-628

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE – RENOTIFICATION - SDR-4626 RELATED TO ZON-4623 AND VAR-5377 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC - Request FOR A SITE DEVELOPMENT PLAN REVIEW OF A 19 LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. (APN: 125-19-201-001 and 003), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development – 3 Units Per Acre)], Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

20

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – Motion to HOLD IN ABEYANCE – Motion carried with NIGRO and EVANS voting NO

To be held in abeyance until 12/16/2004 Planning Commission Meeting

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 18 [ZON-4623], Item 19 [VAR-5377] and Item 20 [SDR-4626].

(7:52 – 8:48)

2-628

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - MOD-5212 - MAJOR MODIFICATION TO THE LAS VEGAS MEDICAL DISTRICT PLAN - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT - OWNER: VALLEY GROUP CONSTRUCTORS - Request for a Major Modification to the Las Vegas Medical District Plan FROM: MD-2 (MAJOR MEDICAL) TO: MD-1 (MEDICAL SUPPORT) at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as he has a client business relationship with Officer Calvin Haywood and EVANS not voting

To City Council on 12/15/2004

MINUTES:

VICE CHAIRMAN NIGRO declared the Public Hearing open on Item 21 [MOD-5212], Item 22 [VAR-5214], Item 23 [VAR-5511], Item 24 [VAR-5512] and Item 25 [SDR-5213].

GARY LEOBOLD, Planning and Development, stated that some of the companion items were previously before the Commission, which were the Major Modification, the Parking Variance and the Site Plan Review. At that time, it was determined that the Variances would be held until this meeting. Thereafter, the applicant redesigned the Site Plan, and the square footage was changed from 31,294 to 29,991 square feet. The building is still proposed to be three stories tall.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 21 – MOD-5212

MINUTES – Continued:

The change in the square footage reduced the parking requirement as originally advertised in the Variance, which was previously 148 parking spaces where 177 are required. The requirement is now be 170 parking spaces and the applicant is providing 149 parking spaces. The height of the building has been reduced also, but the Variance is still required. Staff still had concerns with the 1,900 square foot plaza in front of the building, as there is no outdoor seating provided as required in the Medical District Plan. In addition, staff requested that should the Site Plan be approved, it should be the Site Plan date stamped 10/22/2004.

The parking structure is 47,250 square feet with 124 parking spaces on three levels. The remaining 25 are ground level parking and some handicap spaces. The proposed parking structure depicts a 36.5-foot setback from a residential property to the south where 84 feet is required. As a result, the parking structure fails to meet the residential adjacency standards. Staff recommended denial on the applications, with the exception of the Major Modification. Although it is an irregular site, the site is still overbuilt.

JEFF ALBREGTS, Cotkin, Collins & Ginsburg, 1701 W. Charleston Boulevard, along with OFFICER CALVIN HAYWOOD and MR. CARASELL with Tower Realty, appeared. MR. ALBREGTS stated that the area is a medically zone district that is in transition from MD-2 Major Medical to MD-1. He also commended OFFICER HAYWOOD on the renditions of the proposed building, as he showed photos of the proposed project. He continued by stating he was not aware of any residents opposing this project, and he felt this was indicative of the community's acceptance of this area transitioning into a medical district. He calculated that the building would be approximately a 40-foot wide building and felt that it was not overbuilt for the site. With regards to the parking issue, the requirement would be approximately 100 parking spaces. The proposed amount of parking spaces is approximately 90 with a three level parking garage. He felt that the deficiency would not cause a huge impact, since most of the medical support would not consist of in-patient treatment. In addition, the Variances would not be required, as what the applicant proposed would conform with the Code when the District Overlay comes in. He concluded by reiterating that the area is in transition; substantial amounts of monies have been invested into this project and it would be betterment, not a burden, to the community.

OFFICER CALVIN HAYWOOD showed photos of the area and pointed out Bearden Street on the overhead, as there were eight lots directly adjacent to the proposed site. Five of the lots were zoned office buildings with one being a vacant lot and two were residential. He added that there was a three-story building fronting residential across the street and adjacent to the building. In addition, he felt that this facility did not provide adequate parking. He believed that the proposed project consisted of architecture that is aesthetically pleasing to the area and conformed with the existing buildings.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 21 – MOD-5212

MINUTES – Continued:

COMMISSIONER McSWAIN agreed that the area is in transition and appreciated the applicant's efforts in working on a project with a challenged site. She then complimented the applicant on an attractive project. COMMISSIONER GOYNES concurred with COMMISSIONER McSWAIN and then asked the applicant if the rendering shown at this meeting reflected the front of the proposed project on Shadow Lane. OFFICER HAYWOOD replied that the entry portion would be facing Shadow Lane. COMMISSIONER GOYNES also appreciated the vertical parking, as parking is an issue in this area. COMMISSIONER GOYNES thanked OFFICER HAYWOOD for serving our country.

VICE CHAIRMAN NIGRO declared the Public Hearing closed on Item 21 [MOD-5212], Item 22 [VAR-5214], Item 23 [VAR-5511], Item 24 [VAR-5512] and Item 25 [SDR-5213].

(8:48 - 9:08)

2-2914

CONDITIONS:

Planning and Development

1. A Site Development Plan Review (SDR-5213) shall be approved by the City Council at a Public Hearing.
2. Conformance to the Las Vegas Medical District Plan, except as amended by this request and other related applications.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - VAR-5214 - VARIANCE RELATED TO MOD-5212 AND SDR-5213 - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT - OWNER: VALLEY GROUP CONSTRUCTORS - Request for a Variance TO ALLOW 148 PARKING SPACES WHERE 177 PARKING SPACES ARE REQUIRED FOR A OFFICE DEVELOPMENT AND TO ALLOW FOR ZERO ON-SITE LOADING SPACES WHERE 3 ARE REQUIRED on 1.69 acres at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as he has a client business relationship with Officer Calvin Haywood and EVANS not voting

To City Council on 12/15/2004

MINUTES:

See Item 21 [MOD-5212] for all related discussion on Item 21 [MOD-5212], Item 22 [VAR-5214], Item 23 [VAR-5511], Item 24 [VAR-5512] and Item 25 [SDR-5213].

(8:48 - 9:08)

2-2914

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 22 – VAR-5214

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-5213].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5511 - VARIANCE RELATED TO MOD-5212, VAR-5214 AND SDR-5213 - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT - OWNER: VALLEY GROUP CONSTRUCTORS, INC. - Request for a Variance TO ALLOW A 150-FOOT SETBACK WHERE 159 FEET IS REQUIRED AND A 36 AND A HALF FOOT SETBACK WHERE 84 FEET IS REQUIRED FOR COMPLIANCE WITH RESIDENTIAL ADJACENCY STANDARDS, A 13-FOOT REAR YARD SETBACK WHERE 15 FEET IS REQUIRED, A 15-FOOT SIDE YARD SETBACK WHERE 20 FEET IS REQUIRED AND TO ALLOW A REDUCTION IN STREETScape, PERIMETER AND FOUNDATION LANDSCAPING REQUIREMENTS FOR A PROPOSED THREE-STORY OFFICE BUILDING on 1.69 acres at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as he has a client business relationship with Officer Calvin Haywood and EVANS not voting

To City Council on 12/15/2004

MINUTES:

VICE CHAIRMAN NIGRO declared the Public Hearing open on Item 21 [MOD-5212], Item 22 [VAR-5214], Item 23 [VAR-5511], Item 24 [VAR-5512] and Item 25 [SDR-5213].

(8:48 - 9:08)

2-2914

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 23 – VAR-5511

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-5213], Variance [VAR-5514] and Variance [VAR-5512].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5512 - VARIANCE RELATED TO MOD-5212, VAR-5214, SDR-5213 AND VAR-5511 - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT - OWNER: VALLEY GROUP CONSTRUCTORS, INC. - Request for a Variance TO ALLOW A BUILDING HEIGHT OF 52 FEET 9 INCHES WHERE 45 FEET IS THE MAXIMUM BUILDING HEIGHT FOR A PROPOSED THREE-STORY OFFICE BUILDING on 1.69 acres at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as he has a client business relationship with Officer Calvin Haywood and EVANS not voting

To City Council on 12/15/2004

MINUTES:

VICE CHAIRMAN NIGRO declared the Public Hearing open on Item 21 [MOD-5212], Item 22 [VAR-5214], Item 23 [VAR-5511], Item 24 [VAR-5512] and Item 25 [SDR-5213].

(8:48 9:08)

2-2914

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 24 – VAR-5512

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-5213], Variance [VAR-5514] and Variance [VAR-5511].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - SDR-5213 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-5212 AND VAR-5214 - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT – OWNER: VALLEY GROUP CONSTRUCTORS, INC. - Request for a Site Development Plan Review FOR A 31,293 SQUARE FOOT MEDICAL OFFICE DEVELOPMENT on 1.69 acres at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as he has a client business relationship with Officer Calvin Haywood and EVANS not voting

To City Council on 12/15/2004

MINUTES:

VICE CHAIRMAN NIGRO declared the Public Hearing open on Item 21 [MOD-5212], Item 22 [VAR-5214], Item 23 [VAR-5511], Item 24 [VAR-5512] and Item 25 [SDR-5213].

(8:48 - 9:08)

2-2914

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 25 – SDR-5213

CONDITIONS:

Planning and Development

1. A Major Modification (MOD-5212) to MD-1 (Support Medical) approved by the City Council.
2. The approval by the City Council of Variance applications VAR-5214, VAR-5511 and VAR-5512.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 10/22/04, except as amended by conditions herein.
5. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect 2 bicycle spaces and conformance with the Las Vegas Medical District Open Space Section. The site plan is to reflect pedestrian seating in conformance with Las Vegas Medical District Plan. The site plan is also to show addition of bollards with signage stating “No Through Traffic”, to inhibit the use of the loading zones as a drive aisle and create a clear distinction between the two uses.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 25 – SDR-5213

CONDITIONS – Continued:

10. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize ‘shoe-box’ fixtures and downward-directed lights. Wallpack lighting shall utilize ‘shoe-box’ fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19A.12.050.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City departments must be satisfied.
15. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

16. Construct all incomplete half-street improvements per the Las Vegas Medical District Plan including a 10-foot sidewalk, five foot of which is within the public right-of-way adjacent to this site concurrent with development of this site.
17. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
18. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
19. Obtain an Encroachment Agreement for all landscaping and private improvements in the public rights-of-way adjacent to this site.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 25 – SDR-5213

CONDITIONS – Continued:

20. Landscape and maintain all unimproved right-of-way adjacent to this site concurrent with development of this site.
21. Grant pedestrian walkway easements for all public sidewalks not located within public right-of-way.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
24. Site development to comply with all applicable conditions of approval for Z-20-97 and all other subsequent site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - VAR-5199 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: EDGAR MARTINEZ AND KARINA MARTINEZ - Request for a Variance TO ALLOW A THREE FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED, A 2.33 FOOT MINIMUM DISTANCE SEPARATION BETWEEN A DETACHED ACCESSORY STRUCTURE AND REAR AND SIDE PROPERTY LINES WHERE THREE FEET IS REQUIRED, AND A ONE FOOT SEPARATION BETWEEN AN EXISTING DETACHED ACCESSORY STRUCTURE AND MAIN DWELLING WHERE SIX FEET IS REQUIRED on 0.13 acres at 5517 Flower Circle (APN 138-36-313-019), R-1 (Single Family Residential) Zone, Ward 1 (Moncrief).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

3

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions and adding the following condition:

- *The applicant must remove the shed in the back yard and the eave from the side yard. The applicant must conform to any necessary Building Codes to accommodate completion of this work.*

– UNANIMOUS

To be heard by City Council 12/15/2004

MINUTES:

VICE CHAIRMAN NIGRO declared the Public Hearing open.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 26 – VAR-5199

MINUTES – CONTINUED:

GARY LEOBOLD, Planning & Development Department, explained that this item was held in abeyance from the 10/21/2004 Planning Commission meeting to allow the applicant to meet with Building & Safety Department staff to determine the scope of the necessary work. The inspection was done on October 26, 2004, and resulted in two issues. First, the kitchen located in the side yard projects to within approximately three feet of the property line. The distance from the structure to the fence is within Code; however, the eave of the structure hangs to the property line and is not in compliance. The eave would have to be removed all the way back to the home to bring it into compliance. The second violation pertains to a building in the rear yard that has been used in the past as a small apartment and a storage building. It is within two feet of the rear and side-yard property lines and the requirement is at least three feet. It is almost touching the eave of the home where there should be a six-foot space. The entire building would have to be removed to comply with Code because taking out a large section of the building to meet Code would not be practical.

He concluded by summarizing that if the applicant removed the eave from the kitchen portion of the home and completely removed the building in the rear yard, the structure would be in compliance with the Building Code. The only remaining issue would pertain to the Zoning Code violation of the kitchen, which has a three-foot setback where five feet is required. Staff suggested the application could be amended to request a variance only for the side yard reduction. If the applicant wanted to try and bring the property into compliance by altering the eave and the building, they would have to explain how that would be accomplished and the application would remain as is.

JOE GAUDILLO, 901 Staffordshire Circle, #A, appeared on behalf of the applicant and said the building in the rear yard and the eave would be removed. MR. GAUDILLO said the applicant would comply; however, it would take some time to do all the work. MR. LEOBOLD confirmed with MR. GAUDILLO that the applicant understood that the building in the rear yard would have to be demolished and completely removed and the eave would have to be removed as well. MR. LEOBOLD also noted that the work would require some form of a permitted, inspection process by the Building & Safety Department. MR. GAUDILLO replied that he had spoken with the Building Department and he was told there was no such requirement. MR. LEOBOLD stated that he was unable to confirm that; however, he thought to finish off the remaining section of the eave would require some form of inspection. CHAIRMAN TRUESDELL stated the issue could be addressed by adding a condition stating the work would be done subject to meeting Building Code.

COMMISSIONER McSWAIN was confused regarding the actual need for a variance if the applicant agreed to do the necessary work to bring the property into compliance. MR. LEOBOLD clarified that removing the building in the back yard and the eave on the kitchen

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 26 – VAR-5199

MINUTES – CONTINUED:

would bring the property into compliance with the Building Code. However, the three-foot setback of the kitchen section to the wall would not comply with the Zoning Code requirement of a minimum of five feet. COMMISSIONER McSWAIN confirmed with MR. LEOBOLD that staff would not have a problem with the Variance needed for the setback issue because the problem is pre-existing. MR. LEOBOLD stated the recommendation of denial was for the entire application because staff was not aware of the applicant's intent prior to the meeting. He acknowledged the applicant is willing to do the necessary work and would only be requesting a Variance for the side-yard setback and therefore, staff would recommend approval of the Variance. COMMISSIONER McSWAIN said she could support the item because the applicant has exhausted available resources and is working to bring the property into compliance.

ROBERT GENZER, Director, Planning & Development Department, suggested that the motion should state specific conditions such as removal of the shed, reduction of the eave, etc. MR. LEOBOLD stated the condition could be constructed indicating that the work must be completed to conform to Building Code. If work were to require inspections, those would also be covered by the condition. COMMISSIONER DAVENPORT pointed out that the inspection report reflected all of the necessary work. He suggested the condition could reference the inspection report. MR. GENZER stated that staff would prefer to list the necessary work as a condition. COMMISSIONER DAVENPORT stated that he understood and that he was suggesting using the verbiage from the inspection report for the condition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:08 – 9:17)

3-239

CONDITIONS:

Planning and Development

1. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - SUP-4930 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: YOUR CREDIT, INC. D/B/A LAS VEGAS FINANCE - OWNER: SAHARA PAVILION NORTH U.S., INC. - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED AND FOR WAIVERS OF THE 1,000-FOOT DISTANCE SEPARATION REQUIREMENT BETWEEN SIMILAR USES AND THE 200-FOOT DISTANCE SEPARATION REQUIREMENT FROM RESIDENTIAL USES at 2121 South Decatur Boulevard, Suite #2 (APN 162-06-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting – Letters of Support from Elie Tabachry, Shawn Henson and Tony Woo

MOTION:

EVANS – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265] – UNANIMOUS

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 27 – SUP-4930

MOTION – CONTINUED:

Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area, it is not located within the notification area and it would not be affected so he would vote on Item 28 [SDR-5179].

MINUTES:

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:40)

1-83

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - SDR-5179 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: SANDHURST DEVELOPMENT, LLC - Request for a Site Development Plan Review FOR A PROPOSED 31 STORY, MIXED USE DEVELOPMENT IN PARKWAY CENTER TO INCLUDE 409 RESIDENTIAL UNITS AND 41,640 SQUARE FEET OF COMMERCIAL SPACE on 3.23 acres on the north side of Iron Horse Court, approximately 300 feet east of Grand Central Parkway, (APN 139-33-810-006), PD (Planned Development) Zone, Ward 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265] – UNANIMOUS

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area, it is not located within the notification area and it would not be affected so he would vote on Item 28 [SDR-5179].

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 28 – SDR-5179

MINUTES:

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:40)

1-83

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

TMP-5380 - TENTATIVE MAP - TERRASANO III - APPLICANT: KIMBALL HILL HOMES NEVADA, INC. - OWNER: UNITED STATES OF AMERICA - Request for a Tentative Map FOR A 26-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND TO EXCEED THE MAXIMUM RETAINING WALL HEIGHT OF SIX FEET ALLOWED IN TITLE 18.08.110 on 5.09 acres adjacent to the northwest corner of Farm Road and Tee Pee Lane (a portion of APN 125-18-601-015), U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units Per Acre), Ward 6 (Mack).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is presently bidding work for Kimball Hill Homes

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated the applicant is proposing retaining walls higher than four feet on the north and eastern portions of the site and the addition

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 29 – TMP-5380

MINUTES – CONTINUED:

of an eight-foot high perimeter wall that would bring the wall height to over 12-feet tall. The subdivision ordinance does not permit retaining walls to be higher than four feet tall without the submission of an “alternative design” and approval from the City. The applicant has proposed a rockery wall for a retaining wall, which would exceed four feet. Then a decorative wall would be added and the total height of both walls combined would not exceed 12 feet. If a higher wall would be necessary, anything above 12 feet would be constructed of iron and would be less than 50 percent solid. Staff found this to be a good alternative.

JOE THOMASON, VTN Engineering, 3161 East Warm Springs Road, appeared on behalf of the applicant and indicated he is also the engineer of record for the project. MR. THOMASON stated that at the 10/20/2004 City Council meeting, the applicant requested the 20-foot front setback measurement be reduced to 18 feet from the garage. This is allowable under Code and Council approved it. He asked that the revised measurement be recognized for this Tentative Map.

MR. THOMASON also pointed out that this project is an expansion of an existing 10-acre project and to match into the existing roadway, a 37-foot private street utilizing L type curb and gutter was shown on the Site Development Plan and the zone change Site Plan. After discussions with the developer, it was determined that a 39-foot street with 30-inch roll curb and gutter would be more appropriate. He indicated that this would be acceptable to the City.

VICE CHAIRMAN NIGRO confirmed with MR. SCHMIESER that staff had no problem with the setback amendment and in fact, that the staff report reflected the setback to be 18 feet. GINA VENGLASS, Public Works, confirmed for VICE CHAIRMAN NIGRO that the 39-foot private street with roll curb was acceptable to staff.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:29 – 9:35)

3-504

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for the following applications: Site Development Review (SDR-4982) and Rezoning (ZON-4981).

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 29 – TMP-5380

CONDITIONS – CONTINUED:

3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. Perimeter retaining walls shall consist of "rockery walls" of sufficient height for retaining. Above this height, a solid decorative block wall, with at least 20 percent contrasting materials, may be constructed above the rockery wall as far back from the front edge of the rockery wall as is possible. The total height of the screen wall and retaining wall shall not exceed 12 feet. Above 12 feet, the decorative wall shall consist of a wrought iron fence less than 50 percent solid. It is recommended that this alternative design be approved.
5. The streets abutting this development and Town Center shall comply with all Town Center Development Standards.
6. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
7. Prior to submittal of a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map reflecting the Conditions of Approval in this report and particularly those listed as Special Conditions shall be approved by staffs of the Planning and Development Department and Public Works Department.
8. The development shall comply with all City codes and State subdivision statutes.
9. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 29 – TMP-5380

CONDITIONS – CONTINUED:

requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

Public Works

10. Grant a Traffic Signal Chord Easement at the northwest corner of Farm Road and Tee Pee Lane.
11. This map shall dedicate a 25-foot radius corner at the northwest corner of Farm Road and Tee Pee Lane and a 20-foot radius corner at the southwest corner of Donald Nelson Avenue and Tee Pee Lane per Condition of Approval No. 3 of rezoning application ZON-4981.
12. An Amended Final Map for Terrasano Unit I showing the continuation of Victory Garden Avenue into this site shall be recorded prior to the recordation of a Final Map for this site.
13. If the submitted technical drainage study for this site determines that the existing north/south public drainage easement located in the northeast corner of the Terrasano Unit 1 subdivision is not required, a petition of vacation shall be submitted prior to the recordation of a Final Map for this site.
14. Private streets and private drives must be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
15. Extend public sewer in Tee Pee Lane to the northern edge of this site at a depth and location acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits, including between Lots 6 and 7, between Lots 14 and 15 and offsite west of Victory Garden Avenue within Terrasano Unit 1. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
16. Site development to comply with all applicable conditions of approval for ZON-4981 and all other applicable site related actions.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 29 – TMP-5380

CONDITIONS – CONTINUED:

17. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5389 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA - Request for a Variance TO ALLOW A REDUCTION IN THE REQUIRED LOT WIDTH FROM 60 FEET TO 50 FEET FOR THE PROPOSED CONVERSION OF A RESIDENCE TO AN OFFICE on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), R-3 (Medium Density Residential) Zone [PROPOSED: P-R (Professional Offices and Parking)], Ward 1 (Moncrief).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote

To be heard by City Council 12/15/2004

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

GARY LEOBOLD, Planning & Development Department, explained that due to the limited size of the site, the request for the parking Variance and the Variance to the limited lot width are appropriate. The lot width is static because there is no other available land. He indicated that

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 30 – VAR-5389

MINUTES – CONTINUED:

commercial conversions are common in the area so the request for the rezoning is appropriate. The site conforms to the Commercial designation of the site as listed under the Las Vegas Redevelopment Plan for this area.

Regarding the Site Plan, MR. LEOBOLD pointed out that there is a request for a waiver of perimeter landscape standards. The landscaping would be maintained on the north side of the site between the subject building and an adjacent building on the corner.

JOHN FIELD, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and agreed to all conditions. He stated the application for the zone change should be approved because it is harmonious and compatible with the land use changes that have been approved for this area. He thanked staff for their work on these items.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

(9:35 – 9:39)

3-685

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5385), Variance (VAR-5388) and Site Development Plan Review [SDR-5387].
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ZON-5385 - REZONING RELATED TO VAR-5389 - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), Ward 1 (Moncrief).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote

To be heard by City Council 12/15/2004

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

MINUTES:

See Item 30 [VAR-5389] for all related discussion on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

(9:35 – 9:39)

3-685

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 31 – ZON-5385

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Two Variance applications (VAR-5388 and VAR-5389) and a Site Development Plan Review application (SDR-5387) approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
4. Landscape and maintain all unimproved rights-of-way on 7th Street adjacent to this site.
5. Submit an Encroachment Agreement for all landscaping and private improvements located in the 7th Street public right-of-way adjacent to this site prior to occupancy of this site.
6. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5388 - VARIANCE RELATED TO VAR-5389 AND ZON-5385 - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA - Request for a Variance TO ALLOW A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FROM NINE SPACES TO FIVE SPACES FOR THE CONVERSION OF A RESIDENCE TO AN OFFICE on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), R-3 (Medium Density Residential) Zone [PROPOSED: P-R (Professional Offices and Parking)], Ward 1 (Moncrief).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote

To be heard by City Council 12/15/2004

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

MINUTES:

See Item 30 [VAR-5389] for all related discussion on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 32 – VAR-5388

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5385), Variance (VAR-5389) and Site Development Plan Review [SDR-5387].
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. The applicant shall obtain a letter from the operators of Andre's Restaurant, for which the subject site has an expired approval for a Variance (V-0123-84) to allow parking for Andre's on the entirety of subject site, confirming that they have no objection to the use of this site for the proposed office conversion.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5387 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5389, ZON-5385 AND VAR-5388 - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA - Request for a Site Development Plan Review FOR A PROPOSED 2,432 SQUARE FOOT HOUSE CONVERSION TO AN OFFICE, FOR A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS AND FOR A 50-FOOT WIDE LOT WHERE 60 FEET IS THE MINIMUM WIDTH REQUIRED on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), R-3 (Medium Density Residential) Zone [PROPOSED: P-R (Professional Offices and Parking)], Ward 1 (Moncrief).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote

To be heard by City Council 12/15/2004

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 33 – SDR-5387

MINUTES – Continued:

See Item 30 [VAR-5389] for all related discussion on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

(9:35 – 9:39)

3-685

CONDITIONS:

Planning and Development

1. A Rezoning [ZON-5385] to a P-R (Professional Office and Parking) Zoning District, and Variances (VAR-5388 and VAR-5389) approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect an increase in the number of five-gallon shrubs planted for each tree that is retained on the site. The applicant shall endeavor to retain as many of the existing on-site and boulevard trees as possible.
5. The elevations shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to maintain the existing architectural features of the structure and to design the handicap ramp to not interfere with or detract from the appearance of the façade of the building.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 33 – SDR-5387

CONDITIONS – Continued:

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. 9. Parking lot lighting shall be wallpack lighting and shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

16. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.
17. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
18. Site development to comply with all applicable conditions of approval for ZON-5385 and all other subsequent site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-4883 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC - Request for a Special Use Permit FOR A PROPOSED NON-PROFIT THRIFTSHOP at 4830 West Craig Road (APN 138-01-619-004), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 34 [SUP-4883] and Item 35 [SDR-4882].

DON SCHMIESER, Planning & Development Department, stated that a non-profit thrift shop is a store operated by a charitable organization, which sells only donated, used merchandise. This proposed use would be located in a new building east of an existing Albertson market in a site originally proposed as a Sav-On Drug store. The proposed use meets all of the requirements for the Special Use Permit and can be operated in a manner that is harmonious and compatible with the commercial development as well as the single-family residences located to the north of the site. Because of its proximity to the City of North Las Vegas, it has been deemed a Project of Regional Significance. An Environmental Assessment Questionnaire was circulated to the

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 34 – SUP-4883

MINUTES – Continued:

responsible agencies; however, no comments or recommendations were received.

STEVE SHARTRAND, 3585 Patrick Lane, appeared on behalf of the applicant and agreed to staff's conditions.

CHAIRMAN TRUESDELL confirmed with MR. SHARTRAND that there would not be collection trucks or bins in front of the facility at any time.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 34 [SUP-4883] and Item 35 [SDR-4882].

(9:39 – 9:43)

3-836

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Non-Profit Thrift Shop use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-4882).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-4882 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4883 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC - Request for a Site Development Plan Review and a Waiver of the Building Location Standards FOR A 17,255 SQUARE FOOT COMMERCIAL ADDITION TO AN EXISTING RETAIL DEVELOPMENT on 1.65 acres at 4830 West Craig Road (APN 138-01-619-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 12/15/2004

MINUTES:

See Item 34 [SUP-4883] for all related discussion on Item 34 [SUP-4883] and Item 35 [SDR-4882].

(9:39 – 9:43)

3-836

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 35 – SDR-4882

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted.
2. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped November 5, 2004, except as amended by conditions herein.
3. The Waiver of the Commercial Development Standards for placement of the building at the front setback is hereby approved.
4. Trash enclosures shall be roofed in accordance with Commercial Development Standards.
5. Prior to the time application is made for a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees and a minimum of four five-gallon shrubs for each tree within provided parking lot planters. A maximum of 12.5% of the total landscaped area may be shown as turf.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
9. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

10. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 35 – SDR-4882

CONDITIONS – Continued:

11. New driveways shall not be permitted along Decatur Boulevard.
12. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
13. Site development to comply with all applicable conditions of approval for the Rancho Alta Mira Plaza subdivision, Z-108-88(14) and all other applicable site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5369 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: MARCO BRAMBILLA - OWNER: TOROS YERANOSIAN - Request for a Site Development Plan Review FOR A PROPOSED LOBBY ADDITION TO AN EXISTING MOTEL AND A WAIVER OF THE LANDSCAPE STANDARDS at 1213 Las Vegas Boulevard South (APN 162-03-112-028), C-1 (Limited Commercial) and C-2 (General Commercial) Zones, Ward 3 (Reese).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining because he owns a property within the notification area

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated that the proposed addition would consist of a 550 square-foot lobby added to the front of the motel. The motel would be using two existing guest rooms to create this additional space. The applicant is requesting a waiver from the Downtown Centennial Plan streetscape standards because the severe physical constraints of the property prohibit full compliance. Staff is recommending approval with a waiver and with minor modifications to streetscape treatments that would include widening the

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 36 – SDR-5369

MINUTES – CONTINUED:

existing sidewalk to 11 feet, narrowing the drive at the front of the hotel to the edge of the existing right-of-way along Las Vegas Boulevard and placing three palm trees within tree grates next to the street curb. This type of accommodation has been made for other properties in the area with similar issues. The development would meet all other requirements.

TOROS YERANOSIAN, 109 East Harvard Street, Suite #306, Glendale, California, 92105, appeared and stated concurrence with all conditions. He asked for clarification on Condition 3, which pertained to the provision of an 11-foot sidewalk. He felt it would be difficult to provide 11 feet without reducing the driveway width. He asked that the wording be changed to reflect working with the Planning Department to reach a compromise.

Also, he was concerned over a requirement that he had to provide a landscaping finger with a tree for every six parking spaces. MR. YERANOSIAN explained that providing the landscaping requested by staff would result in a loss of three parking spaces. The parking spaces were important to the applicant because the guests consider them an amenity. He asked if the Commissioners would allow him to plant the proper number of trees on the site but not put all of them in the parking lot as requested.

MR. YERANOSIAN said that after the application was submitted, the plans were changed to convert three or four guest rooms into a wedding chapel without any exterior changes. He wanted to add that use to his application.

COMMISSIONER EVANS asked staff for some assistance in clarifying MR. YERANOSIAN'S requests. MR. SCHMEISER explained that the wedding chapel is not part of this application and could not be incorporated into this application. MR. YERANOSIAN would have to apply for a Special Use Permit separately.

He continued by explaining that the issue pertaining to the landscaping fingers is directly related to Condition 5 in the staff report, which requires one shade tree per every six parking spaces in accordance with the Downtown Centennial Plan. Regarding the driveway width and the distance between the street and the driveway, the plans did not have a width designated between the street curb and the driveway or the building front. MR. SCHMEISER stated that staff would be willing to work with the applicant to provide a sufficient width of sidewalk.

MR. YERANOSIAN also informed the Commissioners that he would be providing a walled and roofed trash enclosure on the site as required.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 36 – SDR-5369

MINUTES – CONTINUED:

COMMISSIONER STEINMAN confirmed with MR. SCHMEISER that staff wants to have an 11-foot sidewalk down the entire length of Las Vegas Boulevard in this area. MR. SCHMEISER added that it is a requirement of the Centennial Standards. COMMISSIONER STEINMAN asked why the Commission should consider waiving that requirement for this project. Staff had indicated they would work with MR. YERANOSIAN before the City Council Meeting and the Commissioner took that as a possibility the sidewalk requirement could be reduced. MR. SCHMEISER indicated that was not the intent of staff. If it is physically impossible to have the driveway in front and outside of the public right-of-way, there may be a problem getting the 11 feet. There were not enough details at the time to make that determination. COMMISSIONER STEINMAN stated that the landscaping and driveway requirements should be maintained because the area needs to be cleaned up. If it is physically impossible to meet the requirements for the front driveway, the driveway might be lost to accommodate the sidewalk. There is another driveway on the property.

COMMISSIONER EVANS concurred.

COMMISSIONER McSWAIN confirmed with VICE CHAIRMAN NIGRO that the conditions would stay as shown in the report and the applicant should address any issues with the 11-foot requirement with staff before the item is heard by City Council. COMMISSIONER McSWAIN stated she would support the motion of approval; however, she would have recommended having some latitude when comparing the Code requirements to MR. YERANOSIAN'S concern for his customers. She hoped the City Council would assist him in that regard.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.
(9:43 – 9:54)

3-945

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped October 4, 2004, except as amended by conditions herein.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 36 – SDR-5369

CONDITIONS – CONTINUED:

3. The applicant shall provide an 11-foot wide sidewalk in the public right-of-way along Las Vegas Boulevard, with a minimum of three 25-foot tall palm trees located in the sidewalk area immediately behind the existing curbline. A landscape amenity zone shall be located between the public sidewalk and the circulation driveway located on the subject site.
4. The applicant shall provide and install standard Fourth Street style light fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
5. The parking lot area shall have a minimum of one shade tree for every six parking spaces in accordance with Subsection DS3.1.h of the Downtown Centennial Plan.
6. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development. The required landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j. Trash enclosures shall be walled and roofed in accordance with the requirements of Title 19.08.045.
8. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
9. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

10. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 36 – SDR-5369

CONDITIONS – CONTINUED:

11. Landscape and maintain all unimproved right-of-way on Las Vegas Boulevard adjacent to this site.
12. Submit an Encroachment Agreement for all landscaping and private improvements located in the Las Vegas Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
13. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5370 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: BECKER & SONS, LLC - Request for a Site Development Plan Review FOR A PROPOSED 55,643 SQUARE FOOT COMMERCIAL/INDUSTRIAL DEVELOPMENT AND A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS on 9.97 acres approximately 580 feet west of Rancho Drive and 630 feet south of Cheyenne Avenue (a portion of APN 138-13-512-002), R-E (Residence Estates) Zone under Resolution of Intent to C-M (Commercial/ Industrial), Ward 5 (Weekly).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – **UNANIMOUS** with McSWAIN abstaining because her company, Terra Contracting, has done work with the BECKER Family and DAVENPORT abstaining because he lives next door to one of the property owners

To be heard by the City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, explained that this is phase two of an overall development. It is very similar to the first phase, which is located directly to the west of this site. The applicant is requesting two waivers. The first is for a 6½ -foot wide planter width in lieu of the required eight-foot width, along portions of the north and east property

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 37 – SDR-5370

MINUTES – CONTINUED:

lines. The second request is to eliminate the placement of trees behind garages on the easterly property line. Staff recommended partial waivers be granted in both requests because it makes little sense to have trees between garages and perimeter walls where they would be obscured. However, the garages are spaced 18 feet apart and staff feels there should be a tree in that space. Staff felt there should be an eight-foot planter where trees are planted and in the areas behind the garages, where there are no trees, the planter width be allowed at 6 ½ feet.

BARRY BECKER, 50 South Jones Boulevard, appeared and concurred with all conditions and staff's recommendations.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:54 – 9:57)

3-1364

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan (revised and dated 11/08/04) and building elevations, except as amended by conditions herein.
3. The site plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for a building permit to reflect these Conditions of Approval.
4. Prior to the submittal of a building permit, the applicant shall meet with staff of the Planning and Development Department to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. The landscape plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for a building permit. The plan shall show compliance with the required number of trees for the parking areas. The existing trees planted along the south property line shall be shown on the plan and demonstrate compliance with the requirements for a buffer where abutting the residential lots to the south. Waivers in the landscape requirements shall be granted as follows:

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 37 – SDR-5370

CONDITIONS – CONTINUED:

A Waiver shall be granted in the required eight-foot planting area width to 6.5 feet along the existing perimeter wall in the northeast corner of the site, except where trees are provided.

A Waiver shall be granted in the required perimeter trees where located between proposed carports and a perimeter wall in the northeast corner of the site. Trees shall be provided in the 18-foot spaces between the carports and at the end of the row of carports.

6. Landscaping and a permanent underground sprinkler system shall be installed and shall be permanently maintained in a satisfactory manner.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City departments must be satisfied.
12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
13. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 37 – SDR-5370

CONDITIONS – CONTINUED:

professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should the common interest community, or members thereof request additional maintenance activities, the associated costs shall be assessed to the common interest community and/or members thereof.

Public Works

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study. We note that this site is within a FEMA Flood Zone A.
15. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
16. An update to the Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis update prior to occupancy of the site. No recommendation of the approved Traffic Impact Analysis, or compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
17. Site development to comply with all applicable conditions of approval for Z-90-95 and all other subsequent site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5382 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: EMERGING MARKETS OF NORTH AMERICA - OWNER: GRAND CANYON INVESTORS, LLC - Request for Site Development Plan Review FOR THE CONVERSION OF A 376-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 18.84 acres adjacent to the east side of Grand Canyon Drive, approximately 1,250 feet north of Grand Teton Drive (APN 125-07-701-004), PD (Planned Development) Zone, Ward 6 (Mack).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development, stated that this is a Site Plan Review that would do nothing more than convert an existing apartment complex into condominium units. The original Site Plan was approved in February of 2002 and the development was, and still is, in compliance with all of the zoning ordinance restrictions. It is also in compliance with the Grand Canyon Village Master Plan within which it is located. Single-family residences do exist to the

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 38 SDR-5382

MINUTES – CONTINUED:

north and south of the site and staff feels the conversion to condominium units would be appropriate.

STEPHEN CREVOISERAT, Alpha Engineering, 50 South Jones Boulevard, appeared on behalf of the applicant and concurred with staff conditions.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:57 – 10:00)

3-1485

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations of Site Development Plan Review [Z-0093-00(4)], except as amended by conditions herein.
3. Prior to the submittal of a Final Map, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
5. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 38 – SDR-5382

CONDITIONS – CONTINUED:

maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

6. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

7. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid prior to the recordation of a Final Map for this site.
8. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
9. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
10. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
11. Site development to comply with all applicable conditions of approval for Z-93-00 and all other subsequent site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5531 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC - Request for a Variance TO ALLOW 93 PARKING SPACES WHERE 180 PARKING SPACES ARE REQUIRED IN CONJUNCTION WITH A PROPOSED 16,009 SQUARE FOOT COMMERCIAL RETAIL CENTER on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue (APN 138-27-301-015), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – DENIED – UNANIMOUS

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 39 [VAR-5531] and Item 40 [SDR-5393].

GARY LEOBOLD, Planning & Development Department, explained that the site was originally approved for a 12,000 square-foot pharmacy and adequate parking was provided for that project. Recently, it has been redesigned as two buildings as shown on the Site Plan. Building A, is a 9,000 square-foot building along Washington Avenue and Building B is located within the southeast corner of the site and measures 7,009 square feet. If the buildings were used as retail structures, adequate parking would be available. However, the applicant is proposing that building A be dedicated to restaurant use, which has a significantly higher parking standard

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 39 – VAR-5531

MINUTES – Continued:

than retail. The applicant is requesting a parking Variance to allow 93 spaces where 180 are required.

MR. LEOBOLD acknowledged that the addition of restaurants would be positive because currently, there are not many restaurants in the area and they could support the surrounding businesses and the nearby park. However, staff has concerns regarding the in only ramp from traffic on Buffalo Drive. There is no outgoing ramp onto Buffalo Drive. There is also a right-in, right-out connection onto Washington Avenue. A third access point goes east into the adjacent parking lot. Staff feels the type of restaurants supported by a center such as this one, generally have a high turnover rate which contributes to parking lot flow and traffic movement conflicts. The applicant has not been able to prove hardship in this instance and staff is recommending denial of the Variance.

The Site Plan is acceptable; however, there are some setback and perimeter landscaping requests, which are minor in nature. The development has been required to dedicate land to both the Buffalo Drive Overpass project and the trail uses being developed in the area. This applicant has agreed to assist in landscaping both onsite and within the trail alignment. For those reasons, staff feels the Site Plan could be approved subject to 18 conditions.

DAVID MOSS, 3000 Mason Avenue, appeared on behalf of the owner and stated that the applicant has several compelling reasons to justify approval the Variance. He explained that the Bonanza Trail, which is a pedestrian trail, links the adjacent properties along Summerlin Parkway to the shopping center and it then continues onto the City park. It also connects the Longford Medical Center to the shop site. The distance is approximately a quarter mile; however, it does justify some adjacent parking. There is a parking garage with approximately 600 parking spaces nearby as well.

CHRIS MURTAGH, Longford Homes, appeared on behalf of the applicant and added that the developer is also developing a 130,000 square-foot medical center to the west of this site. During that development process, it came the owners' attention that there were not many food establishments in the area. There are approximately three eating establishments nearby. The applicant decided to look into the development of two or three additional restaurants for the area. Eventually, the owner became aware of the nearby park and realized that the park traffic, the existing businesses and the owners' large development would provide an excellent opportunity for even more restaurant development. The subject site is an excellent location for multiple eating establishments.

MR. MOSS also stated that the Bonanza Trail is proposed to connect to the park across the street

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 39 – VAR-5531

MINUTES – Continued:

eventually. There would be a pedestrian connection between the park and the proposed restaurant center's parking lot. MR. MURTAGH said the City is considering the installation of a tunnel beneath Buffalo Drive that would be for pedestrian access to the park. He also said that there have been discussions with the adjacent property owner and an agreement has been reached for the applicant to use 40 of the neighbor's spaces near the K-Mart center to be dedicated as employee parking for the proposed restaurants.

COMMISSIONER McSWAIN confirmed with MR. MURTAGH that the applicant developed the nearby medical plaza. She concurred with staff regarding concessions on the Site Plan in exchange for the donation of the turn in but reminded everyone the turn in was created because it was the only way to make the site work with a medical plaza. She agreed the restaurants would enhance the area; however, the intersection is troublesome. COMMISSIONER McSWAIN felt that if the applicant wanted the restaurant usage, they would have to do something else with the proposed retail or make it all retail. She could not support the application as it was presented. The Commissioner also did not think it was realistic to expect customers to use the parking structure referenced by MR. MOSS. MR. MURTAGH concurred. She concluded by saying she might support one or two restaurants but she could not support a deviation of 50 percent.

COMMISSIONER STEINMAN asked about the grading that was currently underway at the site. MR. MURTAGH replied that there is some dirt from the medical center being stacked at that location and there has been some grading coming off the entrance. COMMISSIONER STEINMAN asked about the plans for the deep pit onsite. MR. MURTAGH said the drawings have not been done yet and they are going through the design parameters now. The Commissioner agreed with the comments of COMMISSIONER McSWAIN and said that this proposal could work with the elimination of building B. The site is being overbuilt and he did not believe the establishments could effectively enforce having their employees park near the K-Mart.

CHAIRMAN TRUESDELL asked staff to clarify how the recommendation was approval on the Site Plan with such a parking issue. MR. LEOBOLD explained that the site meets parking requirements if the entire center is retail. Condition 1 on the Site Plan Review indicates that no restaurant uses are allowed because there is insufficient parking for that use. Any restaurant uses would require approval of the companion Item 39 [VAR-5531]. If VAR-5531 is denied, Item 40 [SDR-5393] would be limited to retail use only and would not require a parking Variance.

CHAIRMAN TRUESDELL did not feel that handling these items in this fashion would prevent other Variance requests from coming before the Commission. He felt that restaurant uses would be appropriate at this site in the right context. With the density of the development, he was uncomfortable with the way the item was being handled.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 39 – VAR-5531

MINUTES – Continued:

VICE CHAIRMAN NIGRO pointed out that if a use was not retail, it would come before the Commission for a Variance. COMMISSIONER McSWAIN asked if he was uncomfortable supporting the Site Plan Review because he anticipated the Variance request at a later time. He replied that the Commission should be reviewing a Site Plan that is appropriate for what the use should be and not working the process backwards to get the restaurants into the site. He reiterated that this is an appropriate site for food establishments, if handled properly.

Subsequent to the motion, DEPUTY CITY ATTORNEY BRYAN SCOTT indicated the denial of the Variance application was listed as Final Action; however, the Site Development Review was to be heard by City Council on 12/15/2004. He asked CHAIRMAN TRUESDELL if it was the Commission's wish to have both items move forward to City Council without the applicant having to file an appeal. CHAIRMAN TRUESDELL said that if the applicant wanted to appeal the denial of Item 39 [VAR-5531] they would have to file an appeal within 10 days.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 39 [VAR-5531] and Item 40 [SDR-5393].

(10:00 – 10:16)

3-1583

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5393 - SITE DEVELOPMENT PLAN REVIEW RELATED TO – PUBLIC HEARING - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC - Request for a Site Development Plan Review FOR A PROPOSED 16,009 SQUARE FOOT COMMERCIAL RETAIL CENTER AND WAIVERS OF BUILDING SETBACKS, BUILDING ORIENTATION AND PERIMETER AND FOUNDATION LANDSCAPING STANDARDS on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue (APN 138-27-301-015), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – Motion carried with GOYNES and STEINMAN voting NO

To be heard by City Council 12/15/2004

MINUTES:

See Item 39 [VAR-5531] for all related discussion on Item 39 [VAR-5531] and Item 40 [SDR-5393].

(10:00 – 10:16)

3-1583

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 40 – SDR-5393

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council. The approval is subject to development of the project for retail uses, with no restaurant uses, as the site plan has insufficient parking for these uses. Approval of such restaurant uses shall require prior approval of companion Variance (VAR-5531).
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
3. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
4. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
5. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
7. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 40 – SDR-5393

CONDITIONS – Continued:

9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
10. All City Code requirements and design standards of all City departments must be satisfied.
11. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
12. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.
13. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

14. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 40 – SDR-5393

CONDITIONS – Continued:

15. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
16. Coordinate with the City Engineer to determine the feasibility of locating the required multi-use non-equestrian trail path and landscape (if desired) within the undeveloped portion of the Buffalo Drive public right-of-way and the federal Bureau of Land Management-owned parcel adjacent to the south edge of this site. If location of the trail path cannot be allowed within the adjacent property, this site plan shall be redesigned to accommodate the trail path completely within the applicant's property. An Encroachment Agreement shall be required for all landscaping and private improvements located in the public right-of-way adjacent to this site prior to occupancy of this site.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings on this site.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
19. Site development to comply with all applicable conditions of approval for Z-131-94 and all other applicable site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5395 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: GORDON GUST - OWNER: GORDON GUST AND WENDA GUST -
Request for a Site Development Plan Review FOR A PROPOSED 3,676-SQUARE FOOT WEDDING CHAPEL AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN STREETSCAPE REQUIREMENTS, LANDSCAPE REQUIREMENTS, AND DESIGN STANDARDS on 0.16 acres adjacent to the northeast corner of Bridger Avenue and Las Vegas Boulevard (APN 139-34-611-047), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – UNANIMOUS with TRUESEDELL abstaining because he is involved regarding a tenant in a building just north of this site

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESEDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained that this application would allow for the demolition of an existing chapel on the subject site and for the construction of a new 3,600 square-foot chapel. The applicant is requesting waivers from the Downtown Centennial Plan Streetscape and Landscape standards and staff believes the waivers are warranted because of the constrained nature of the site and the adjacent right-of-way. There are some minor modification

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 41 – SDR-5395

MINUTES – Continued:

requests regarding the landscaping plan as conditions of approval. The requested waivers from the design standards are also warranted because of the type of building. Also, staff has requested that the existing pole sign be preserved because it is a contributing feature of the Las Vegas Boulevard scenic byway.

WINSTON HENDERSON, 1555 East Flamingo Road, appeared on behalf of the applicant and indicated the applicant was also present to answer any questions. He concurred with the conditions but needed some clarification on several items. He questioned the requirement that utilities and power lines in the alley be relocated underground. It was his understanding that that type of requirement would pertain to a future date when the entire block or area would have similar work done. He asked for staff clarification that the requirement does not pertain to only the 50 feet of power lines on the subject site. MR. LEOBOLD explained that this is a standard condition imposed on any development within this area. He was unaware about the possibility of taking money in lieu of the improvements but, the condition is imposed on both new development and redevelopment coming into the area.

Regarding Condition 6, MR. HENDERSON indicated there was no problem in providing the additional trees; however, the applicant was requesting a much wider sidewalk than the 10 feet referenced. The larger sidewalk area would accommodate the gatherings in front of the entry to the chapel. The applicant requests to do intense landscaping in the sidewalk area, which would include planting within the 10-foot sidewalk if allowed. MR. LEOBOLD replied that the intent is to have a consistent streetscape appearance as travelers drive down the street. He acknowledged the need to have a gathering area and suggested that it be constructed within the site somewhere other than the front of the property. MR. HENDERSON stated that he would not object to that if the applicant was given the option to place additional landscaping within the 10-foot sidewalk area. MR. LEOBOLD explained that it is intended to have palm trees planted close to the curb and then a clear area would remain for pedestrians to move through. Trees, street furniture and lights would be located in the area closer to the curb. If trees were moved away from the curb, it would deviate from the plan for the streetscape.

VICE CHAIRMAN NIGRO asked MR. HENDERSON if the applicant had a landscaping plan. MR. HENDERSON confirmed that a plan did exist but that after hearing MR. LEOBOLD'S comments, the plan would have to be redesigned. He noted that at the entry on the Las Vegas Boulevard side, the plan showed the creation of a planter in the midst of the 10-foot sidewalk. The planter would divert foot traffic into a much deeper sidewalk in front of the building that measures almost 20 feet. He stated some palm trees would have to be relocated as well. MR. HENDERSON asked to have the option of working with Planning Staff to modify the landscaping plan.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 41 – SDR-5395

MINUTES – Continued:

MR. HENDERSON stated that the owner is requesting the option to either relocate the sign on the property or to donate the sign to the Las Vegas Arts Commission for preservation. An existing historic sign from the Candlelight Wedding Chapel would be relocated for the new chapel at this site. MR. LEOBOLD felt that the wording of the condition left open whether the preservation of the sign had to be on the site or it could be preserved elsewhere. The intent was to assure the sign was not destroyed.

ROBERT GENZER, Director, Planning & Development Department, noted that Condition 4 regarding the underground utilities is a requirement of the Downtown Centennial Plan and as such, can only be waived by the City Council. The request for waiver of that condition would have to be made directly to Council. He added that the intent of the condition is to have the work done immediately.

COMMISSIONER EVANS said that he did not think staff opposed the additional landscaping; however, they did want assurance that requirements are met properly and it conforms to Code. MR. HENDERSON said he understood and only wanted the opportunity to work with staff again and hopefully, find a plan that meets with their approval.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:16 – 10:25)

3-2230

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, dated 10/05/04, except as amended by conditions herein.
3. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
4. Utilities and power service lines in alleys shall be located underground in accordance with Subsection DS2.1.f. of the Downtown Centennial Plan.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 41 – SDR-5395

CONDITIONS – Continued:

5. The Waivers from the minimum Floor Area Ratio, minimum height, 70% build-to line, 70% glazing requirement along street frontages, and parking lot screening are hereby approved.
6. The Waiver from the Centennial Plan streetscape requirements along Las Vegas Boulevard is hereby approved, subject to the provision of two palm trees immediately behind the existing curb, and located within a 10-foot wide public sidewalk. The palm trees shall have a minimum height of 25 feet upon installation. The Waiver from the Centennial Plan streetscape requirements along Bridger Avenue is also hereby approved, provided that four shade trees shall be installed adjacent to the Bridger Avenue right-of-way. The minimum tree size shall be a 24-inch box. The landscape plan shall be revised to reflect the changes to the streetscape, and shall be reviewed and approved by the Planning and Development Department prior to the time application is made for a building permit.
7. The required landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
8. The applicant shall sign and record a Covenant running with the land for the possible future installation and/or relocation of half-street improvements in accordance with Downtown Centennial Standards for all improvements not required to be constructed at this time as a result of the requested Waiver. Such Covenant Running with Land agreement shall record prior to the issuance of any permits.
9. The applicant shall provide and install standard Las Vegas Boulevard style fixtures in place of existing fixtures in accordance with Subsection OC3.e of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
10. The dimensions of the parking spaces and access aisle shall conform with the requirements of Title 19.10.
11. The surfacing of the alley shall conform to the Alleyway Treatment, as described in Subsection DS2.1.g of the Downtown Centennial Plan, and as depicted in Graphic 4 of the plan.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 41 – SDR-5395

CONDITIONS – Continued:

12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. The existing freestanding sign on the property shall be preserved.
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
15. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

16. A Reversionary Map for the purpose of combining the underlying parcels shall be recorded prior to the issuance of any permits for this site.
17. Dedicate an additional five feet of right-of-way for a total half-street width of 45 feet on Las Vegas Boulevard and a 25-foot radius on the northeast corner of Bridger Avenue and Las Vegas Boulevard prior to the issuance of any permits. Additionally, grant a traffic signal chord easement on the northeast corner of Bridger Avenue and Las Vegas Boulevard.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first.
21. Landscape and maintain all unimproved rights-of-way on Las Vegas Boulevard and Bridger Avenue adjacent to this site concurrent with development.
22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Las Vegas Boulevard and Bridger Avenue public rights-of-way adjacent to this site

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 41 – SDR-5395

CONDITIONS – Continued:

prior to occupancy of this site.

23. Site development to comply with all applicable conditions of approval for Z-0100-64, Downtown Centennial Plan Standards and all other site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5324 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: STARVING STUDENTS, INC. - OWNER: NAMCO 8, LLC - Request for a Special Use Permit FOR A PROPOSED TRUCKING COMPANY at 3281 North Decatur Boulevard, Suite #120 (APN 138-12-813-001), C-2 (General Commercial) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 12/15/2004

MINUTES:

VICE CHAIRMAN NIGRO declared the Public Hearing open.

DON SCHMIESER, Planning & Development Department, explained that this particular use was the impetus for the City adopting an ordinance in December of 2003 to allow a trucking company within a C-2 (General Commercial) zoning district by means of a Special Use Permit. The ordinance restricts the use to office operations and the parking to no more than 5 trucks and trailers onsite. Onsite storage is not allowed in conjunction with this use. This application complies with these requirements.

This project has been deemed a Project of Regional Significance because of its proximity to the City of North Las Vegas. An Environmental Impact Assessment Questionnaire was circulated to

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 42 – SUP-5324

MINUTES – Continued:

the affected agencies and no comments or recommendations were received.

RICHARD PRESTON, 1980 Book Binder Drive, appeared on behalf of the applicant and agreed to all conditions. He informed the Commission that the applicant is a certificated carrier of household goods and there are approximately 40 branches nationwide. MR. PRESTON indicated that this company does have problems finding suitable locations with small office space and that can accommodate the necessary parking. This location would work well for the applicant and he requested approval.

COMMISSIONER STEINMAN confirmed with MR. PRESTON that the trucks would be parked in the back where the industrial portion of the center is located. The trucks would not be visible from Cheyenne Avenue or Decatur Boulevard. The Commissioner wanted to verify the applicant did not intend to park the trucks in the front of the complex. MR. PRESTON added that the trucks are usually out during the day and are really only located on the site during the evening.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.
(10:25 – 10:29)
3-2659

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Trucking Company use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Conformance to the Conditions of Approval for Rezoning (Z-0079-97).
4. All City Code requirements and design standards of all City departments must be satisfied.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5360 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: N & J JEWELRY - OWNER: RAMPART COMMONS, LTD., LLC - Request for a Special Use Permit FOR A PROPOSED JEWELRY STORE, CLASS III at 1025 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated this is a Class 3 Jewelry store, which means that it buys and sells scrap precious metals for marketing as a commodity in bar or jewelry form. This type of store can also buy and sell precious bars and coins sold as a commodity rather than for the purpose of collection. The operations may be similar to a jewelry store. The applicant proposes to make and sell jewelry at retail and also to buy and sell other jewelry and related items. The use would be located in one of twelve units within a shopping center and staff did not identify problems or concerns with parking or other requirements.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 43 – SUP-5360

MINUTES – Continued:

NANCY WEINSTEIN, 896 East Sahara Avenue, appeared on behalf of the applicant and concurred with all conditions.

COMMISSIONER EVANS stated that MR. & MRS WEINSTEIN operate historic jewelry stores throughout the community and they are very civic minded. He commended them on being outstanding business operators.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:29 – 10:32)

3-2846

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Class III Jewelry Store and Title 6 of the Las Vegas Municipal Code for a Retail Demonstration Merchandise Sales Stores Jewelry Tag.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5362 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: OSKA THAMMAVONGSA - OWNER: Z & Z, INC. - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 731 Fremont Street (APN 139-34-612-022), C-2 (General Commercial) Zone, Ward 5 (Weekly).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining because he manages a property near the subject site

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department stated this use is proposed within the Downtown Overlay District and the project has received approval from the Downtown Entertainment Overlay District Design/Review Committee on November 9, 2004. Staff has not identified any problems with this development and recommends approval.

AIRR PHANTHIP (Contact No. 702-372-8088) appeared on behalf of the applicant and agreed to all conditions.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 44 – SUP-5362

MINUTES – Continued:

VICE CHAIRMAN NIGRO declared the Public Hearing closed.
(10:32 – 10:34)
3-2998

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for a Restaurant Service Bar.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by City Council.
3. The property owner shall be required to participate in their proportionate share of the Fremont Street Streetscape Project, to be implemented and constructed by the City of Las Vegas.
4. Any on-site trash enclosure shall be walled and roofed in accordance with the requirements of Title 19.08.045.
5. The business shall operate in conformance with Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

7. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards prior to the issuance of a Special Use Permit for this site.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5378 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: JOHN S. BLOOM - Request for a Special Use Permit FOR AN EXISTING GUEST HOUSE/CASITA TO BE THREE FEET FROM THE SIDE PROPERTY LINE AND FOUR FEET FOUR INCHES FROM THE REAR PROPERTY LINE WHERE FIVE FEET IS THE MINIMUM SETBACK REQUIRED at 5501 Cory Place (APN 138-36-407-009), R-1 (Single-Family Residential) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions and amending the following condition:

5. The applicant shall provide proof from the Clark County Health Department that the guest house/casita has a valid septic tank permit to *the Collection System Planning Section of the Department of Public Works within 30 days from Council approval. If such proof cannot be provided* the guest house/casita shall be required to connect to the City of Las Vegas public sewer system.

– UNANIMOUS with TRUESEDELL not voting

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESEDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 45 – SUP-5378

MINUTES – Continued:

DON SCHMEISER, Planning & Development Department, explained that the existing casita was constructed as a garage in 1970. It was converted to a casita in the 1980's without a permit. The present owner purchased the property in June of 2004 without realizing the casita was not in compliance to City Code and did not have the proper setbacks. The applicant hopes to legitimize the casita with this Special Use Permit application.

A casita may have rear yard and side yard setbacks of 5 feet; however, staff is concerned that the reduction of these yards to 3 feet and 3 1/3 feet may not provide essential space for light, air and privacy that proper setbacks provide. MR SCHMEISER noted that should the Commission approve the item, Public Works staff would like to discuss the addition of a condition.

MIKE GILMORE, 2334 Belvedere Drive, appeared on behalf of the applicant and indicated the applicant was also present to answer any questions. MR. GILMORE stated that when MR. BLOOM purchased the property, there was someone living in the casita; however, they have since moved out and the casita is vacant. The casita has stood for approximately 15 years and neighbors do not have a problem with the structure. There is a two-story home next door; however, there are no windows on that side of the casita or on the rear side. The roof does not overhang the block wall. The applicant intends to have his mother-in-law move into the casita because her health is ailing.

MR. GILMORE indicated that there were some conditions he needed clarification on. He questioned the requirement of Condition 2, which stated that only an immediate member of the family could occupy the casita. The applicant did not have a problem with that condition at this time; however, if the home were to be sold, he did not want the future buyers to be restricted by that requirement in case they had company staying for a weekend etc.

He also questioned Condition 3 because it stated the permit would expire one year from the date of final approval unless an extension is granted. COMMISSIONER DAVENPORT explained that the time frame pertains to the amount of time given to bring the home into compliance. Finally, Condition 5 referenced the sewer system. MR. GILMORE confirmed there is a bathroom in the casita and it does have a toilet that is connected to the sewer system.

COMMISSIONER EVANS asked if there was any insurance or protection during the home buying process regarding the uses being appropriate and insuring that the building is up to Code. COMMISSIONER McSWAIN stated that if the appraiser does not investigate permits being pulled there is no way to assure that. COMMISSIONER DAVENPORT indicated the appraisal is a guarantee to the lender and he was not aware of any guarantee to the buyer. MR. GILMORE stated that he has spoken with the title company, the appraiser and inspector and they have been told there

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 45 – SUP-5378

MINUTES – Continued:

is nothing that can be done about not disclosing this information. After speaking with the former owner, the applicant has contacted a lawyer to discuss repercussions.

COMMISSIONER STEINMAN questioned the language of Condition 2, which stated the casita could only be used by a member of the immediate family that resides in the principal residence. He asked how someone who already resided in the principal residence could also reside in the casita. He understood the intent of the condition but felt it was not properly stated. The Commissioner also asked why the applicant intended to provide the casita with a separate electricity meter if they did not plan on renting the casita out. MR. GILMORE replied that he is not concerned about that and there would not be separate meters. MR. SCHMEISER said it is not unusual for a restriction to be placed on a casita so that only members of the immediate family can use it. When a casita is not restricted, sometimes non-related people or entire families can occupy the structure and it can create problems for the neighborhood. That is why Condition 2 was imposed.

COMMISSIONER DAVENPORT and COMMISSIONER STEINMAN thought the language of Condition 2 should be amended for clarification and each offered suggestions. VICE CHAIRMAN NIGRO explained that the record would reflect the casita was to be used for an immediate family member not living in the casita and the principal residence at the same time.

COMMISSIONER DAVENPORT asked staff if the setback requirements for a garage were different from those for a casita when the structure was originally built. MR. SCHMEISER indicated the garage setback requirement is 3 feet. An accessory structure does have 3-foot setbacks; however, this is considered a principal building because it contains a family unit so the setback requirement is 5 feet.

COMMISSIONER DAVENPORT confirmed with MR. GILMORE that the casita is on the sewer system. GINA VENGLASS, Public Works Department, said that Condition 5 would need to be revised for clarification purposes. She also indicated that the City records do not indicate that it is hooked up to the public sewer system legally. She asked that the applicant provide proof of a legal connection. She offered amended verbiage and MR. GILMORE agreed to it.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:32 – 10:34)

3-2998

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 45 – SUP-5378

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Special Use.
2. The Guest House/Casita shall only be used for a member of the immediate family that resides in the principal residence on the lot.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

5. The applicant shall provide proof from the Clark County Health Department that the guest house/casita has a valid septic tank permit. If one doesn't exist or cannot be provided, the guest house/casita shall be required to connect to the City of Las Vegas public sewer system prior to the issuance of any permits or certificates of occupancy.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5386 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: PAUL DEVITT - OWNER: BARRICK-BREO II, LLC - Request for a Special Use Permit FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT at 517 Fremont Street (APN 139-34-611-016), C-2 (General Commercial) Zone, Ward 5 (Weekly).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as the subject property is within the Notification area of an item that he abstained on earlier, and there has been some discussions with the tenant on the previous item

To be heard by City Council 12/15/2004

MINUTES:

VICE CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that the proposed Tavern-Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district and is the type of use encouraged in the Downtown Entertainment Overlay District. The signage proposal has been reviewed and approved on November 9, 2004, by the Design Review Committee for that area. In addition, it is consistent with the redevelopment objectives for the Downtown Centennial Plan and the Overlay District. There are no gaming machines incorporated into the use, parking is limited, but there is available parking in the garage or on the street. There are no structural or aesthetic changes to the exterior of the site, with the exception of additional signage.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 46 – SUP-5386

MINUTES – Continued:

MR. LEOBOLD concluded by stating that the property owners would be required, as a condition, to contribute to costs for extending the streetscape improvements to Eighth Street, which is currently being pursued by the Office of Business Development.

JOHN LASPALUTO, Aptus Architects, 1200 S. Fourth Street, appeared on behalf of the applicant and concurred with staff's recommendation. He added that they are very excited about working on a project within the redevelopment area along Fremont Street.

MR. LASPALUTO informed COMMISSIONER STEINMAN that the business name would be "Manicure and Martinis". There are two other establishments in New York and California.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(10:45 10:48)

4-97

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.06.120 and Title 6.50.
2. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.
3. The property owner shall be required to participate in a proportionate share of the Fremont Street Streetscape Project, to be implemented and constructed by the City of Las Vegas.
4. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

6. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
7. Submit an Encroachment Agreement for all landscaping and private improvements located in the Fremont Street public right-of-way adjacent to this site prior to occupancy of this site.
8. Landscape and maintain all unimproved right-of-way on Fremont Street adjacent to this site.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5392 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARBARA J. REAVES - OWNER: MATTHEW DALE NORMAN IRREVOCABLE TRUST, ET AL - Request for a Special Use Permit FOR A PROPOSED CHILD CARE CENTER at 4301 Stewart Avenue (APN 140-31-602-009), R-E (Residence Estates) Zone, Ward 3 (Reese).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as the subject property is within the Notification area of an item that he abstained on earlier, and there have been some discussions with the tenant on the previous item

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning and Development, stated that this is an existing use at this location and has been since 1980. The business ceased operation in November, 2003, and the business license became null and void a year later. The property owner requested a Special Use Permit in order to re-establish the use in the present location. The proposed child care would provide care for up to 100 children, has adequate outdoor play areas and the on-site parking meets current zoning standards. Staff recommended approval.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 47 – SUP-5392

MINUTES – Continued:

MICHAEL REAVES, 6813 N. Campbell Road, appeared on behalf of the owner, Barbara J. Reaves. MR. REAVES concurred with staff's recommendations and conditions.

(10:48 10:50)

4-195

CONDITIONS:

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to the issuance of a special use permit. All existing driveways are acceptable.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5466 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE SEPARATION DISTANCE REQUIREMENT at 425 Fremont Street (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 12/01/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions and deleting Condition 1 – **UNANIMOUS** with **TRUEDELL** abstaining because he is involved with the tenant of the property directly across the street from the subject site

To be heard by City Council on 12/01/2004

MINUTES:

CHAIRMAN TRUEDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained that approval of this application would allow a tavern on the subject parcel. It would be located in the former location of the Race Rock Restaurant. There is a small area on the main floor and the entire second floor of the building would be associated with this development. There are approximately 20 liquor establishments within the required 1500-foot separation area; however, the distance requirement may be waived for parcels within the downtown Casino Overlay District. MR. LEOBOLD

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 48 – SUP-5466

MINUTES – CONTINUED:

indicated the item had not yet been approved by the Development Review Committee. The applicant has requested the item be fast tracked to the December 1, 2004 City Council meeting.

JOHN COLE, Chief Operating Officer, Fremont Street Experience, 9005 Night Owl Court, asked if Condition 1 could be deleted from the “if approved” conditions. Condition 1 stated the Special Use Permit would expire in one year from the date of final approval unless an Extension of Time was granted by the City Council. The project is very large at 34,000 square feet and a significant amount of money would be invested. It would be difficult to have the developer commit to a large contract and invest such a large amount of money with the prospect of having something change within one year. The Fremont Street Experience requests the period of time reflected in the condition be changed to the length of the initial lease term, which is 10 years.

MARGO WHEELER, Deputy Director, Planning & Development Department, advised the Commissioners that this topic has been discussed with staff and in light of the relationship with the City on this matter, it is believed that Condition 1 could be eliminated completely.

VICE CHAIRMAN NIGRO clarified for MR. COLE that the condition did not mean that once the facility opens it could be revoked within a year. MR. COLE understood that fact but replied that the out-of-town investors who are not familiar with the City of Las Vegas procedures are wary of the condition.

MR. COLE also commended the services of FLYNN FAGG of the Planning & Development Department. He said MR. FAGG was extremely helpful in pulling the project together. MS. WHEELER thanked MR. COLE for his comments.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(10:50 – 10:55)

4-249

CONDITIONS:

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).
3. Signage for the parcel shall be subject to the requirements of the Las Vegas Boulevard Scenic Byway Overlay District and other applicable regulations.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 48 – SUP-5466

CONDITIONS – CONTINUED:

4. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

5. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to the issuance of any permits.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RQR-5247 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: GATEWAY MOTEL, INC. - Required One Year Review of an approved Special Use Permit (U-0028-01) WHICH ALLOWED A 40 FOOT HIGH, 28-FOOT BY 24-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 928 Las Vegas Boulevard South (APN 139-34-410-165), C-2 (General Commercial) Zone, Ward 5 (Weekly).

IF APPROVED: C.C.: 12/15/04

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – DENIED – UNANIMOUS

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMISER, Planning & Development Department, explained the original Special Use Permit and the two extensions of time had a stipulation requiring a one-year review of the request. During that review, the City reserved the right to require removal of the sign. It is well known that the subject site of Las Vegas Boulevard and Charleston Boulevard is a high-profile location. Staff does not find the site to be in conformance with the Downtown Centennial Plan or the Redevelopment Plan area.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 49 – RQR-5247

MINUTES – CONTINUED:

He noted that the City recently received Scenic Byway designation for Las Vegas Boulevard and plans are currently under way to attain National Scenic Byway designation for a section that includes the subject property. The National Scenic Byway guidelines state that no new outdoor advertising is permitted along a byway once the designation is in effect. Accordingly, no new or extensions of previously approved Special Use Permits for off-premise advertising signs should be granted along this section of Las Vegas Boulevard. Because of this, staff is recommending denial.

ANDY BILANZICH, 1464 East Michigan Avenue, appeared on behalf of the applicant and stated that the billboard is located on the property as far away from Las Vegas Boulevard as physically possible. During the last review, a new chain link fence was constructed after the City asked if the applicant could fix up the site. The property is kept clean and some landscaping has been done over the years. MR. BILANZICH respectfully requested another one-year extension on the permit.

COMMISSIONER EVANS stated that he believed he voted against this item during both reviews and that if he remembered correctly, the board voted against the item as well. He said that unless something has changed the situation, his vote would not change.

COMMISSIONER McSWAIN acknowledged the applicant did invest some money in the property by providing the new chain link fence; however, the fence did little to improve the aesthetics of the site.

(10:55 – 10:59)

4-392

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

WVR-5355 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: CLIFF SHADOWS PROPERTIES, LLC - Request for a Waiver of Title 18.12.100 TO ALLOW 24 FOOT PRIVATE STREET WIDTHS WHERE A MINIMUM OF 37 FEET IS REQUIRED FOR A PROPOSED TOWNHOME DEVELOPMENT on 15.9 acres adjacent to the southeast corner of Lone Mountain Road and Cliff Shadows Parkway (APN 137-01-101-026), U (Undeveloped) Zone [MLA (Medium-Low Attached Density Residential) General Plan Designation] under Resolution of Intent to R-PD12 (Residential Planned Development - 12 Units Per Acre), Ward 4 (Brown).

C.C.: 12/15/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

NIGRO – APPROVED subject to conditions – **UNANIMOUS** with McSWAIN abstaining because Terra Contracting is presently doing work on some Focus Group projects and EVANS not voting

To be heard by City Council 12/15/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained this project was originally approved as an apartment project pursuant to SDR-2635 wherein all units were to be considered as rental units within a single parcel. Although the developer was seeking owners for each 4-plex block of units, there would not be direct control by the purchasers over the units so, it was essentially a rental property. As a result, the external access roads of the projects were shown as

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 50 – WVR-5355

MINUTES – CONTINUED:

driveways and the roads are proposed at 24-feet wide. Currently, the applicant intends to market these units as town homes so that each unit is sold to an individual owner. Under the City's Title 18 Subdivision Ordinance, town homes require internal access roads to provide access to individual "for sale" units, these roads must be considered as private streets. The minimum width of a private street is 37 feet; therefore, the applicant is requesting a waiver allowing the 24-foot width. Approval of this waiver would not result in a material change from a planning or subdivision standpoint.

JOHN VORNSAND, 2564 Wigwam Parkway, appeared on behalf of the applicant and agreed to all conditions. COMMISSIONER STEINMAN asked MR. VORNSAND to explain how the parking is set up for this project. MR. VORNSAND replied that the parking would be in garages. The main, circulatory portion of the streets will be 28-feet in width. The 24-foot wide portions of the roads will be servicing eight units each and each unit will have a two-car garage. COMMISSIONER STEINMAN asked where the guests would park. MR. VORNSAND stated that there are some parking areas around the development such as near the clubhouse and pool and also on the ends of the blocks.

COMMISSIONER STEINMAN acknowledged that expanding the street width would result in the loss of several units. MR. VORNSAND stated the project was already under construction. The construction started with the approval of the project as an apartment complex. MR. LEOBOLD confirmed the project did have Site Plan approval as an apartment project and construction had begun. Once the project changed to the designation of town homes, the road requirements changed to 37-feet wide private streets. He reiterated that there is no change in the actual development itself. MR. VORNSAND stated the changing market conditions were what prompted the change from renting to selling. He added that the surrounding neighbors are very happy with the change.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:59 – 11:04)

4-519

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-2633), Rezoning (ZON-2634), Variance (VAR-2958), and Site Development Plan Review (SDR-2635).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 50 – WVR-5355

CONDITIONS – CONTINUED:

Public Works

3. Curbs on at least one side of the proposed 28-foot wide private streets shall be constructed of red concrete and “Fire Lane No Parking” signs shall be provided in accordance with the adopted Fire Code (Ordinance #5667) of Section 18.2.2.5.7 to prevent parking on one side of the street. The curb coloring and signage shall be privately maintained in perpetuity by the Homeowners’ Association. Parking shall not be permitted on the 24-foot wide private drives.
4. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
5. Site development to comply with all applicable conditions of approval for ZON-2634, SDR-2635, and all other applicable site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5373 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: TODD J. KENNER AND SALLY S. KENNER - Request for a Variance TO ALLOW A 10-FOOT REAR YARD SETBACK WHERE 35 FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED ROOM ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE on 0.47 acres at 2240 Shaw Circle (APN 163-03-802-004), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Planning Commission Meeting – Letters of Support from Adjacent Homeowners

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated the applicants are requesting a 71 percent reduction in the required rear-yard setback. Staff is sympathetic to the problems the applicant is experiencing and in fact, several other property owners have the same issues. Unfortunately, a variance cannot be granted without proving a legal hardship or a practical difficulty as defined by Nevada laws. There is no such evidence in this case.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 51 – VAR-5373

MINUTES – CONTINUED:

TODD KENNER, 2240 Shaw Circle, appeared and pointed out that the lot is quite narrow and long. If there was an addition of any type to the home, a reduction in the rear-yard setback would be required. The house is currently located 38 feet from the rear yard. The minimum requirement is 35 feet. MR. KENNER stated that he would like to keep the integrity of a single-story home and the cul-de-sac has several other single-story homes. A casita could be constructed within 5 feet of the rear yard setback and it would meet code; however, the applicant prefers to maintain 10 feet on the side and rear yards. The proposed addition is 30 feet long and the lot is over 210 feet in length.

He also noted that the adjacent lot owner currently has outdoor storage and exotic animals and they have lived compatibly next door to each other. He also provided letters of support to the City Clerk that were written by all of the adjacent homeowners. MR. KENNER stated the addition would be a bedroom to accommodate his father-in-law. He respectfully requested approval from the Commission.

COMMISSIONER McSWAIN stated the applicant presented his case well and agreed that the shape of the lot is reason enough to support the request.

(11:04 – 11:08)

4-701

CONDITIONS:

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5479 - VARIANCE - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW 153,879 SQUARE FEET OF OPEN SPACE WHERE 606,678 SQUARE FEET IS REQUIRED FOR AN 854-UNIT MULTIFAMILY DEVELOPMENT on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly).

C.C.: 12/01/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining, because he owns property within the notification area

To be heard by City Council 12/01/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained the Variance would allow 23 percent of open space where 83 percent is required by Code. The application was required as a condition of Site Plan SDR-5155, which was recommended for approval by the Planning Commission on November 4, 2004. Staff finds the criteria for the Variance has been met and the provided open space and recreational amenities, as part of the project, would be adequate for the

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 52 – VAR-5479

MINUTES – CONTINUED:

number of units proposed for the site. The applicant has requested this item be fast tracked to the 12/01/2004 City Council meeting, which would allow it to catch up to the companion items for the project.

DAVID LeGRAND, 2330 West Sahara Avenue, Suite 800, appeared on behalf of the applicant and agreed to staff's recommendation and conditions. He stated the applicant has had extensive meetings with the Rancho Manor Community Association since last appearing before the Commission and a satisfactory arrangement has been agreed upon. The applicant anticipates the association would be supportive of the project when it is heard on December 1st before the City Council. He thanked the Commissioners for their attention.

MR. LeGRAND continued by saying the technical issue related to this Variance application was caused by the rooftops of the garages, which were designed to accommodate tennis courts and exercise facilities, but did not technically count towards meeting the open space requirement. The applicant felt this was appropriate for the style of condominium project being proposed.

CHAIRMAN TRUESDELL declared the Public Hearing closed.
(11:08 – 11:12)

4-840

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-5034), Rezoning (ZON-4941), Variance (VAR-5035), and Site Development Plan Review (SDR-5155).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE - TXT-5037 - TEXT AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend
Title 19.14.100 relating to standards for Off-Premise Signs.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map – Not Applicable
2. Conditions For This Application
3. Staff Report

MOTION:

REPORT GIVEN – NO ACTION TAKEN

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that staff received comments from the Commissioners regarding a draft of the Text Amendment that was distributed on September 23, 2004. Staff is now ready to update the Commission on the status of the Ordinance and is looking for additional discussion on the item.

One of the ideas being considered regarding the ordinance would require applicants to submit a photo simulation of the billboard with surrounding, off-premise signs within a 500-foot radius of the site. Currently, there is a similar requirement on cell tower applications. Other ideas being considered include not allowing billboards on vacant property, increasing the separation distance on billboards from 300 feet to 500 feet, establishing separation distance or height restrictions on on-site signage and billboards, increasing the separation distance from residential areas to 700 feet and codifying some of the standard conditions that are imposed on Special Use Permits regularly.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

MINUTES – Continued:

During the workshop held in July to discuss this topic, staff showed several photographs of Sahara Avenue and Charleston Boulevard signage to the Commissioners. Staff has altered these photos to reflect the standards being discussed for the Text Amendment. These photos indicate how the street signage would have developed if the standards were imposed. He showed photos of Paradise Road and Sahara Avenue. There were four signs in the photo. The proposed distance separation requirements would reduce the number of signs to two.

MR. CLAPSADDLE then explained that another issue often discussed by the Commissioners is design standards. It had been agreed upon in the past that the Chelsea billboards displayed the design attributes the Commission was looking for. To give an example of how the implementation of these design standards would change the look of areas with billboard clutter, staff took a photo of a Chelsea billboard and imposed that image onto the photos being shown.

The next set of photos shown was the area at Sahara Avenue and Maryland Parkway. Photos were shown of current signage and then of how the area would look if suggested standards were imposed. COMMISSIONER McSWAIN asked if a sign shown in the photo was at an acceptable height or if an exception had been made. She thought the sign looked too tall. MR. CLAPSADDLE explained that it may be hard to tell when looking at a photograph but the sign might have been slightly taller than 50 feet. The A-Mall sign in the photo stood at approximately 26 feet.

MR. CLAPSADDLE then showed photos of the Palace Station area and drew the attention to an on-premise 7-11 sign blocking part of the nearby billboard. He estimated the 7-11 sign to be approximately 40 feet and stated it was an established sign. Assuming the billboard was first, the 7-11 sign would have been restricted to about 20 feet and it would not block the billboard. He pointed out that the proposed language would not require monument signs instead of a freestanding sign. It would restrict the height of the freestanding signs to approximately 26 feet.

COMMISSIONER McSWAIN confirmed with MR. CLAPSADDLE that if the billboard had been constructed first, using the proposed standards for the Text Amendment, the 7-11 sign would have been limited to no taller than 26 feet. She voiced concerns over putting the adjacent property owners at a disadvantage relative to their own signage because of an existing billboard. MR. CLAPSADDLE agreed that that was a valid concern and there were two options. First, an applicant who would like their freestanding sign to be taller than 26 feet could do a Master Sign Plan application, which would relieve them from meeting sign standards of the Code. The second option would be to request a Variance from the height standards.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

MINUTES – Continued:

COMMISSIONER McSWAIN thought the simulated “after” photo was visually pleasing and less cluttered but was concerned about having to deviate from the Code to be fair to an adjoining business owner who was ultimately affected by a billboard.

MR. CLAPSADDLE continued by saying another aspect being considered is no longer allowing billboards to be constructed up and over a building. He indicated the City of North Las Vegas did now allow it before they did the moratorium and Clark County does not allow it. They are allowed in some jurisdictions throughout the country. He showed enhanced photos of how those signs would look with the Chelsea billboard design standards and suggested that could be an approach to take instead of not allowing them altogether.

He also showed an example of a pole and sign face that would not meet suggested standards for maintenance and upkeep. If the suggested language were added to the Code, the Commission could call a Public Hearing to revoke the permit for that sign because it would not be in conformance with the Code.

MR. CLAPSADDLE added that there is no waiver in the Code to the distance separation standard as it is written currently, that would not change with the proposed language. There would still be an option to request a waiver for height restriction. Another concern expressed during City Council was what to do to make sure existing signs are considered legal if the text amendment were approved. MR. CLAPSADDLE looked to what North Las Vegas did when they imposed a moratorium. They allowed the existing signs to remain as long as they were properly maintained and if a valid sign permit had been issued. If more than 50% of the cost of the board would have to be incurred to do repairs, the status of being legally non-conforming would be lost.

He summarized by saying the photo presentation was an attempt to put words into pictures. He asked if the Commission saw the impact they were hoping for in the enhanced after photos. He also asked if there were any new suggestions after viewing the presentation.

COMMISSIONER McSWAIN stated that most of the presentation was nicely done. She felt it did not address a couple of valid points. It did not address certain corridors that the City would want to exempt such as west on Charleston Boulevard and Sahara Avenue. MR. CLAPSADDLE replied that the exclusionary zone would be one of the more difficult aspects of this review and it was not addressed in the presentation. He assured her that it would be addressed in the future. She also questioned the suggested Condition 3 in the backup, which related to landscaping etc. A more formal requirement, such as a Site Plan Review was more what the Commissioner was hoping to see proposed. That would help to bring the properties into conformance with Code the

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

MINUTES – Continued:

same way any other property with a suggested renovation would have to do. Deviations are often made on applications based on variables such as the size of the lot so standard verbiage requiring Code conformance would still allow for those applications who physically cannot make it work.

COMMISSIONER McSWAIN also had hoped that the presentation would have addressed holding the property owners responsible for the condition of the property the sign is located on. There could be a lot of visual clutter as a result of illegal signage in addition to non-conforming signs. If a property owner has a billboard and continues to have signs that are not allowed, that should be cause to remove the billboard. In the past, the argument from billboard companies is that they do not own the property. She felt the owner should be tied into the process because they are benefiting directly from the income of the sign. MR. CLAPSADDLE stated that if a Special Use Permit is issued for a billboard and it is not being maintained, the permit can be brought up for revocation at any time. COMMISSIONER McSWAIN stated she was not referring to a non-conforming billboard, she was referencing the property a sign could be located on and how it is not in conformance and has other non-conforming signage. DEPUTY CITY ATTORNEY BRYAN SCOTT indicated that the Commission has the authority to place any condition felt appropriate onto an application for a Special Use Permit for a billboard. That would include conditioning the maintenance of the lot itself. It is also a misdemeanor under the Zoning Code. City Council has the authority to revoke the permit if the situation warrants that measure.

COMMISSIONER McSWAIN asked if the current conditions dealt with the issue of property maintenance. MR. CLAPSADDLE referred the Commission to Condition 8 stating the off-premise sign and all its supporting structure shall be maintained at all time. He suggested adding verbiage to the end of that condition that would state the property of which the sign is located on must be properly maintained as well. DEPUTY CITY ATTORNEY SCOTT suggested the verbiage could read “abutting the sign” or “adjacent to the sign” as well.

VICE CHAIRMAN NIGRO asked if an adjacent property owner were to come in for a sign application and the proposed sign was within 200 feet of an existing billboard, would there be an issue if the proposed sign was no taller than 26 feet? MR. CLAPSADDLE indicated he was correct and he added that under current Code, an applicant could build a sign up to 40 feet in height. With the proposed verbiage, if an applicant were to come in and there was not a billboard within 200 feet, a permit could be issued for the sign to be up to 40 feet in height. An applicant wishing for relief of these standards could apply for a Master Sign Plan or could do an application for a Variance. VICE CHAIRMAN NIGRO said he could go along with that suggestion. MR. CLAPSADDLE also informed him that before the County imposed their moratorium, their standard was 100 feet.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

MINUTES – Continued:

COMMISSIONER STEINMAN stated one of the photos had shown a dual faced sign and he wanted to know where the language was in the proposal that would prohibit that. CHAIRMAN TRUESDELL pointed out that Condition 9 addressed that issue and allowed only one advertising sign per sign face. COMMISSIONER STEINMAN asked what the method of penalty or fine would relate to that violation. DEPUTY CITY ATTORNEY SCOTT replied that if it is a condition of a Special Use Permit it would be a misdemeanor and would be cause for revocation. COMMISSIONER STEINMAN confirmed with MR. CLAPSADDLE that there would not need to be a condition on a Special Use Permit application if it was in the Code. After that point, it would be a matter of enforcement.

COMMISSIONER McSWAIN asked if there was a possibility of requiring a letter of acknowledgement or permission from adjacent property owners when a billboard is proposed. Something to the effect of allowing the adjacent owners first right of refusal since the installation of the billboard would then restrict their signage. She feared the billboards would cause the business owners to be penalized with a height restriction on their signage. She asked if the letter could be made part of the notification process. She also asked that since the exclusionary zones are not yet mapped out, would there be a way to allow the Commission to deny an application because it is not appropriate. MR. CLAPSADDLE said there is an exclusionary zone set up, it would be a matter of determining whether that zone needs to be expanded or not. DEPUTY CITY ATTORNEY SCOTT added that even if property is not located within an exclusionary zone, the Commission and City Council have the authority to determine whether or not the billboard would be harmonious and compatible with the surrounding area and if it fits in with what is currently developed. An application meeting Code requirements does not automatically mean the billboard is right for the area.

MR. CLAPSADDLE stated the reason for the suggested language is to give the Commissioners standards on the books to give better guidance for the decision making process. It would also allow for consistency in that process. The standard would still be whether or not it is harmonious and compatible with the area but some design standards and distance and height requirements would be added.

DEPUTY CITY ATTORNEY SCOTT pointed out that clarifying the standards would assist in building a court case proving the sign is not harmonious and compatible with the surrounding area. Photo simulation would show the clutter and that would provide for a better visual presentation of what exists or does not exist. That would help to show if the sign is harmonious and compatible. CHAIRMAN TRUESDELL reminded everyone that although the work is being done to strengthen the Code to address signs; however, the Planning Commission is always just a recommendation to the City Council for the Special Use Permit. The Commission could ask for

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

MINUTES – Continued:

limitations but the Council always has greater latitude. DEPUTY CITY ATTORNEY SCOTT agreed but stated it does help to build a record at both Planning Commission and the City Council.

CHAIRMAN TRUESDELL asked if there had to be verbiage to protect the special signage considerations given to the districts such as the Arts District and Downtown Overlay Area. MR. CLAPSADDLE said he would have to review that aspect and report back because it had not yet been addressed. MR. CLAPSADDLE said that with the many mixed-use projects, determining if off-premise signs are allowed is an issue. The projects are basically residential and billboards are not allowed in residential zones. He suggested that perhaps off-premise signs should not be allowed in mixed-use projects. There are several in the downtown overlay district. He promised to look into whether or not a reference needed to be made to refer back to the Arts District and Downtown Overlay District.

CHAIRMAN TRUESDELL asked if issues previously discussed regarding the US 95 Freeway and the Summerlin Parkway were included in the presentation and item backup. MR. CLAPSADDLE informed him that that area would be included in the work to be done regarding exclusionary zones.

COMMISSIONER McSWAIN suggested the possibility of changing the word “may” to “will” in Condition 14 regarding the sign bases being painted to match structures located on the parcel.

CHAIRMAN TRUESDELL thanked MR. CLAPSADDLE for the presentation and report and stated the Commission was not ready to act on the matter. He acknowledged that the item would come back before the Commission after further discussion and industry meetings. MR. CLAPSADDLE said the next step would be to take the Commissioner’s input and revise the language of the text amendment. Then a letter would be sent out to the industry so they could review and submit comments. A Public Hearing would be held at some point and the industry would be invited to make comments then as well. The City Council would then receive a recommendation.

COMMISSIONER McSWAIN confirmed with MR. CLAPSADDLE he would be working on the Text Amendment project for a few more days; however, it would be assigned to another staff member as his final day in the Planning Department was fast approaching. She thanked him for his efforts.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

MINUTES – Continued:

ROBERT GENZER, Planning & Development Department, stated that this would be MR. CLAPSADDLE'S final Planning Commission meeting as a staff member. He informed the Commissioners that MR. CLAPSADDLE had accepted a position in the private sector. MR. GENZER thanked MR. CLAPSADDLE on behalf of the residents of the City of Las Vegas, for his services over the last several years. He wished him well in his new endeavor. MR. CLAPSADDLE was very appreciative of MR. GENZER'S comments.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:45-7:27)

1-1934

CONDITIONS:

Title 19.14.100 shall be amended as follows:

Create a new 19.14.100 (B) (4) and (5):

4. The applicant shall provide a maintenance schedule for the off-premise sign and property at the time of submitting the application for a Special Use Permit.
5. In consideration of the approval or denial of a Special Use Permit for an off-premise sign, the Planning Commission or City Council may impose conditions requiring the overall site on which the off-premise sign is located to meet the landscaping, wall and buffer standards of the Code within a period of time specified by the Planning Commission and City Council.

Create new or amend the existing following standards in 19.14.100 (C):

2. No off-premise sign shall be erected on a vacant property that does not have a minimum of one permanent industrial or commercial use.
3. Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts Only. All proposed off-premise signs in the C-1 and C-2 zoning districts, regardless of orientation to the right-of-way shall be no closer than 500 feet in any direction to any other off-premise sign and no closer than 200 feet to any on-premise pylon sign of at least 26 feet in height, including those outside the corporate limits of the City. All off-premise signs in the C-M or M zoning districts shall be no closer than 300 feet in any direction to any off-premise sign, with no distance separations standard from any on-premise sign.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

CONDITIONS – Continued:

5. Off-premise signs which are within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 shall be no closer than 750 feet ~~(measured along the highway frontage)~~ to any other off-premise sign within 660 feet of the right-of-way as described above, including those located outside the corporate boundaries of the City. ~~along the same frontage.~~ Each side of the highway shall be considered a separate frontage. ~~This standard shall also apply to off premise signs outside of the corporate limits of the City. The sign and all other off premise signs not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off premise sign, wherever located, including an off premise sign that is situated outside the corporate boundaries of the City.~~
9. ~~Off premise signs shall not be located closer than 10 feet to the right of way line of a freeway nor closer than 50 feet to the intersection of the present or future rights of way of any two public roads, streets or highways. No portion of an off-premise sign shall be closer than 25 feet to any existing or future public right-of-way.~~
11. No off-premise sign shall be allowed within ~~300—750~~ feet from the nearest property line of a lot in the “U” zoning district or “R” zoning district.

All standards will be re-numbered so they are in sequential order.

Create the following new standards for 19.14.100 (D)

6. All Special Use Permits shall be reviewed in a minimum of a five (5) year period, unless another period of time is established by the City Council. The City Council may require the sign to be removed as a result of the required review. The applicant shall be responsible for the notification cost of the review. Failure to pay these costs may result in a requirement that the off-premise sign be removed.
7. If any existing off-premise sign is removed, the Special Use Permit shall be expunged and a new off-premise sign can not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19, including, but not limited to, distance separation requirements, or (3) a variance to the applicable standards has been approved.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 53 – TXT-5037

CONDITIONS – Continued:

8. The off-premise sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise sign.
9. Only one advertising sign is permitted per sign face.
10. All off-premise signs shall be designed to discourage birds from creating a nuisance to the sign or property.
11. The permit number, permittee's name and telephone number, and the sign's address as assigned by the City shall be indicated on a 4 inch by 6 inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every proposed off-premise sign erected in accordance with the provisions of this section of the Code. The display shall also identify the owner of the off-premise sign.
12. It is the determination of the City that abandoned signs or those, which appear to be abandoned due to missing or disoriented panels, are a detriment to the health, safety and welfare of the general public. Therefore, the face of each permitted off-premise sign shall contain a discernable message or graphic at all time. Any off-premise sign that stands as a skeletal structure without message panels, or which has all blank panels or panels removed or arranged in such a manner as to make the message unreadable shall be considered in disrepair and not in compliance to this section of the Code.
13. No off-premise sign shall be erected over an existing structure. Following construction of the sign, no building shall be constructed or placed beneath any part of the off-premise sign.
14. All proposed off-premise signs and supporting structures shall be painted to match any structures on the parcel. Additional design standards for those off-premise signs located in the C-1 and C-2 districts may be required to provide enhanced aesthetics, such as but not limited to pole covers or the number of design of support structures.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

TXT-5391 - TEXT AMENDMENT - - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.06.090 Section D(3), to remove the limit on the number of terms that can be served by a member of the Historic Preservation Commission.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map – Not Applicable
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining as he owns property within the notification area

To be forwarded to City Council in Ordinance form

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Deputy Director, Planning & Development Department, stated the item does occur in the Zoning Code of the City, therefore, it does come before the Planning Commission for recommendation. Currently, members of the Historic Preservation Commission are limited to two terms. In light of the Centennial Year 2005, MAYOR GOODMAN would be sponsoring an ordinance to allow members to be reappointed to two, four-year terms and not limited to just two terms.

COMMISSIONER EVANS stated that there was a great deal of talent on the Historic Preservation Commission and he would like to see continuity on that board. He concurred with staff's analysis.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 54 – TXT-5391

MINUTES – CONTINUED:

COMMISSIONER McSWAIN explained that although she appreciated present conditions justifying the continuance of current board members, she would not be able to support the item. Having served on a number of boards where there were requirements limiting terms or imposing cool off periods, she realized the benefits of keeping the boards fresh. It also allows other talent in the community the opportunity to serve and they may bring a different perspective to the board.

CHAIRMAN TRUESEDELL declared the Public Hearing closed.

(11:12 – 11:14)

4-955

CONDITIONS:

Amend Title 19.06.090(D), as follows

D. Historic Preservation Commission - Membership

The HPC shall consist of eleven voting members who are appointed by the City Council and two ex-officio members.

1. Each voting member must have a demonstrated interest in or knowledge of:
 - a. the history of the City of Las Vegas;
 - b. design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.
2. The term of each voting member is four years.
3. Voting members may be reappointed, ~~but may not serve more than two complete, consecutive terms, including as one term the unexpired portion of any term to which a member is appointed to fill a vacancy.~~



PLANNING COMMISSION AGENDA

PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

MINUTES:

MEETING ADJOURNED AT _____ P.M.

Respectfully submitted:

STACEY CAMPBELL, DEPUTY CITY CLERK

ARLENE COLEMAN, DEPUTY CITY CLERK

PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

MINUTES:

None

MEETING ADJOURNED AT 11:13 P.M.

Respectfully submitted:

ARLENE COLEMAN, DEPUTY CITY CLERK

STACEY CAMPBELL, DEPUTY CITY CLERK